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AGRICULTURE.

Recommendations of the secretary of  
agriculture. ... 1921 and 1922.

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RECOMMENDATIONS OF THE SECRETARY  
OF AGRICULTURE

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HEARINGS

BEFORE THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS  
THIRD SESSION

---

FEBRUARY 8, 1921



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1921

COMMITTEE ON AGRICULTURE.

HOUSE OF REPRESENTATIVES.

GILBERT N. HAUGEN, Iowa, *Chairman*.

JAMES C. McLAUGHLIN, Michigan.

WILLIAM W. WILSON, Illinois.

CHARLES B. WARD, New York.

WILLIAM B. McKINLEY, Illinois.

ELIJAH C. HUTCHINSON, New Jersey.

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CARL W. RIDDICK, Montana.

J. N. TINCHER, Kansas.

WILLIS J. HULINGS, Pennsylvania.

J. KUHIO KALANIANA'OLE, Hawaii.

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GORDON LEE, Georgia.

EZEKIEL S. CANDLER, Mississippi.

THOMAS L. RUBEY, Missouri.

JAMES YOUNG, Texas.

HENDERSON M. JACOWAY, Arkansas.

JOHN V. LESHER, Pennsylvania.

JOHN W. RAINEY, Illinois.

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L. G. HAUGEN, *Clerk*.



## RECOMMENDATIONS OF THE SECRETARY OF AGRICULTURE.

COMMITTEE ON AGRICULTURE,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, February 8, 1921.*

The committee met at 10 o'clock a. m., Hon. Gilbert N. Haugen (chairman) presiding.

The CHAIRMAN. The committee has been called this morning for the purpose of giving consideration to a number of recommendations made by the Secretary of Agriculture, and also some suggestions received from other sources. The clerk will report the recommendations.

The CLERK (reading):

DEPARTMENT OF AGRICULTURE,  
*Washington, December 6, 1920.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The department has the honor to recommend for consideration of the Congress the enactment of a law which will authorize the Secretary of Agriculture to cooperate, without additional expense to the Government, with private owners in the protection and administration of forest lands within or near the national forests.

Practically every national forest contains within its exterior boundaries, or there is adjacent thereto, more or less land not owned by the United States. In many cases it is necessary to give some measure of supervision and protection to these privately owned lands in order to prevent the spread of fire to contiguous national-forest areas. Both from the standpoint of the Government and the private owner it is frequently highly desirable that these privately owned lands be utilized in the same manner as are contiguous national-forest lands. In behalf of efficient administration of the forests, it would be very advantageous if Congress would give the Secretary of Agriculture authority to enter into cooperation with the States or private owners in the protection and administration of the privately owned lands where to do so would not impose additional expense upon the Government.

To accomplish the purpose above stated the following is suggested as a draft of a bill:

A BILL To authorize the Secretary of Agriculture to cooperate with owners of forest lands in the administration and protection of such lands in or near the national forests.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture may, without additional expense to the Government, and under regulations to be prescribed by him, cooperate with the owners of forest lands within or near the national forests in the protection and administration of such lands, and any moneys received on account of such cooperation or for the use of such lands or the sale of the products thereof shall be covered into the Treasury and shall constitute a special fund available until expended as the Secretary of Agriculture may direct, for the protection and administration of such lands and for payments to owners of amounts deposited or collected in excess of the cost of protecting and administering the same.

Respectfully,

E. T. MEREDITH, *Secretary.*

DEPARTMENT OF AGRICULTURE,  
Washington, December 6, 1920.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: By act of Congress of June 29, 1906 (34 Stat., 607), entitled "An act for the protection of wild animals in the Grand Canyon Forest Reserve," the President was authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor, and hunting, trapping, killing, or capturing of game animals on the lands so set aside was made unlawful.

Under the authority of this act the President designated a large portion of the lands in the Grand Canyon Forest Reserve for the protection of game animals and as a breeding place therefor.

Later, upon a more intensive examination and classification of the lands in the Grand Canyon Forest Reserve and adjacent regions it was found that some of the lands were not needed for national forest purposes, and that certain adjoining lands formed parts of natural units of forest administration. The boundaries of the forest were therefore modified in accordance with that classification, and the name of the reservation was changed to Kaibab National Forest. This change resulted in the elimination from the national forest of certain lands which were also a part of the game preserve, and the addition of other lands which are not now in the game preserve as then established. Moreover, the Grand Canyon Forest Reserve act, above referred to, is not broad enough to permit an adjustment of boundaries. It is quite desirable that, for the reasons above stated, the act of June 29, 1906, be repealed and its substance incorporated in a new act which will obviate difficulties which have arisen under the old act.

The following is suggested as a draft of a bill for the purposes above stated:

A BILL For the protection of wild animals and birds in the Kaibab National Forest.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all lands of the United States now or hereafter within the exterior boundaries of the Kaibab National Forest are hereby set aside and reserved for the protection of game animals and birds and as a breeding place therefor, and shall be known as the Kaibab game refuge.

SEC. 2. That hunting, trapping, killing, or capturing game animals or birds upon the lands of the United States so set aside and reserved shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined not to exceed \$1,000 or be imprisoned not to exceed one year, or both.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands.

SEC. 4. That whenever, in the opinion of the President, any lands within the Kaibab Game Refuge are no longer needed for the protection of game animals and birds, he may eliminate such lands therefrom, but nothing in this act shall be construed to exclude from the Kaibab National Forest the lands hereby included in the Kaibab Game Refuge or such lands as under the authority of this section may from time to time be eliminated from said refuge, it being the intent of this act that the lands now or hereafter in the Kaibab Game Refuge shall continue to be administered as national forest lands so far as consistent with the purposes of this act.

SEC. 5. The act of June 29, 1906 (34 Stat. L., p. 607), entitled "An act for the protection of wild animals in the Grand Canyon Forest Reserve," is hereby repealed.

Respectfully,

E. T. MEREDITH, *Secretary.*

DEPARTMENT OF AGRICULTURE,  
Washington, December 6, 1920.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The department has the honor to recommend for consideration of the Congress the enactment of a law which will authorize the Secretary of Agri-



culture to receive from a purchaser of national forest timber deposits sufficient to pay all or part of the cost of administering the sale and also authorize him to sell from the national forests, without the delay incident to advertising for bids, timber and cordwood of a value not in excess of \$500 in the States and \$1,000 in Alaska.

Contracts for the purchase of timber from the national forests require the cutting of specified amounts within stated periods and provide that one or more scalers will be furnished by the Government for each unit of the sale areas as long as the required amount is cut. Failure of the purchaser to cut as fast as specified in the contract leaves the department no alternative but to remove the scaler and require that logs shall be piled to permit scaling at periodic visits. This is expensive to purchasers. They are anxious to have scalers kept on the ground and are willing to pay the additional incidental expense. The legislation suggested would enable the department to meet the wishes of the purchaser in this respect without additional expense to the Government. There is no law at present authorizing the receipt and expenditure of deposits for this purpose.

Under existing law (act of June 4, 1897, 30 Stat., 35, as amended by act of June 6, 1900, 31 Stat., 661), if the value of the timber sold is in excess of \$100, it must be advertised for a period of not less than 30 days in one or more newspapers of general circulation in the State or Territory within which the national forest is located. Approximately 120 sales are made every year in which the value of the material is between \$100 and \$500. The cost of advertising each of these sales is from \$5 upward. There is practically no competition for the timber or cordwood offered in these small sales. It is bought at the upset price fixed by the department and there is accordingly no monetary gain to the Government by reason of the advertising. Purchasers in small quantities seldom anticipate their requirements very far in advance and are inconvenienced by being required to wait until completion of the advertising.

In Alaska, where the country is much less developed, these conditions are still more extreme, prospective purchasers of small lots of timber are even more embarrassed by advertising delays, and the costs to the Government are greater. Because of these conditions and the need for aiding in the development of the Territory, it is proposed to increase the limit for Alaska to \$1,000. If the desired legislative authority is granted, it will be possible to serve these purchasers much more expeditiously than at present. The department will, of course, require that the officers conducting the sale give ample opportunity for competitive bidding wherever competition appears likely.

The following is suggested for a bill to effect the necessary modification of the present law and to confer the desired authority:

A BILL To amend the law respecting sales of national forest timber.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of Agriculture may, under regulations prescribed by him, receive deposits from any purchaser of national forest timber in such sums as may be necessary to pay all or part of the cost to the United States of administering the sale of such timber. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, for the payment of such cost of administration and for refunds to the depositors of amounts deposited by them in excess of such cost.

SEC. 2. That the Secretary of Agriculture is authorized, in his discretion, to sell without advertisement, in quantities to suit applicants, at a fair appraisalment, timber and cordwood from the national forests in the States not exceeding \$500 in stumpage value and from the national forests in Alaska not exceeding \$1,000 in stumpage value.

Respectfully,

E. T. MEREDITH, *Secretary*.

DEPARTMENT OF AGRICULTURE,

Washington, December 6, 1920.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The department has the honor to recommend for consideration of the Congress that section 62 of the Penal Code, which provides a penalty for

assaults upon officers or employees of the Bureau of Animal Industry of the department, be amended to include assaults upon officers and employees of the Forest Service, of the Federal Horticultural Board, and of the Bureau of Biological Survey.

No existing law provides punishment for opposing, resisting, or assaulting officers and employees of the bureaus last named, although their work in the enforcement of the statutes dealing with the administration of the national forests, the wild-life reservations, the protection of migratory birds, and the prevention of the spread of injurious plant diseases and insect pests requires them frequently to make arrests and otherwise to act in the capacity of police officers. If the person attempted to be arrested resists even to the extent of seriously injuring or killing an employee, there is no Federal law making such resistance a crime. These employees often perform their duties under hazardous conditions.

The lack of any Federal law for their protection is quite generally recognized, and in several instances has encouraged or provoked wholly inexcusable acts of physical violence upon them while in the discharge of their duties. Furthermore, the absence of such protection breeds contempt of the authority conferred by law upon the Department of Agriculture to administer and enforce these statutes. Section 62 of the Penal Code accords protection to the employees of the Bureau of Animal Industry, and by simple amendment may be made applicable to the employees of the Forest Service, of the Federal Horticultural Board, and of the Bureau of Biological Survey.

The following draft of a bill is suggested:

**A BILL** To amend section 62 of an act entitled "An act to codify, revise, and amend the penal laws of the United States."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 62 of an act entitled "An act to codify, revise, and amend the penal laws of the United States" be amended to read:

"Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry, of the Forest Service, of the Federal Horticultural Board, or of the Bureau of Biological Survey, of the Department of Agriculture, in the execution of his duties, or on account of the execution of his duties, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any officer or employee of the Bureau of Animal Industry, of the Forest Service, of the Federal Horticultural Board, or of the Bureau of Biological Survey, of the Department of Agriculture, in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than \$1,000 or imprisoned not more than five years, or both."

Respectfully,

E. T. MEREDITH, *Secretary*.

DEPARTMENT OF AGRICULTURE,  
Washington, December 6, 1920.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The department recommends for consideration of the Congress amendment of section 15 of the United States warehouse act of August 11, 1916 (39 U. S. Stat. L., pp. 446, 486), so as to require the inspection and grading of only those agricultural products which are fungible in fact and stored as such.

As at present worded, section 15 of the act requires that "grain, flaxseed or any other fungible agricultural product" stored in a warehouse licensed under the act shall be inspected and graded. Grain and flaxseed are not always handled as fungibles. It is customary in certain parts of the country to store grain in bags or in special bins or compartments which preserve the identity of the grain with respect to its ownership, so that the person who deposited it may get back the identical grain that he stored. In many such cases the sampling and grading of grain is entirely unnecessary from the standpoint of the producer. He wishes to be assured that the place of storage is suitable, that the

warehouseman is reliable, and that the warehouse is being operated under the disinterested inspection and supervision of the Government, with the further protection that the bond given by the warehouseman affords him against loss of his product. He does not wish to incur the expense of inspection and grading unless he proposes to negotiate a receipt, and that is a matter for him to determine.

The proposed amendment would not weaken the act but is designed simply to meet the expressed needs of the producer in certain parts of the country. If the producer wishes to have the commodity graded, he would still have the right to do so if the act is amended as proposed. The suggested amendment would extend to the grain producer the same privilege that the producer of cotton, wool, or tobacco now has under the act.

The following draft of a bill to carry out the above recommendation is suggested:

A BILL To amend the United States warehouse act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 15 of the United States warehouse act (Thirty-ninth Statutes at Large, pages 446, 486) is hereby amended to read as follows:

"SEC. 15. That any agricultural product stored as a fungible for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this act shall be inspected and graded by a person duly licensed to grade the same under this act."

Respectfully,

E. T. MEREDITH, *Secretary*.

DECEMBER 28, 1920.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The following provision appears in the act making appropriations for the Weather Bureau, Department of Agriculture, for the fiscal year ending June 30, 1921 (Public, No. 234, 66th Cong.):

"A commission composed of the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy is hereby appointed to make an examination of the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, and comprising eighty-four and eighty-one one-hundredths acres of land, more or less, together with the buildings and other improvements thereon, including laboratories, cottages, sheds, stables, shops, heating and power plants, kite shelter, and other buildings, of whatever nature, together with all the rights, easements, and appurtenances thereto belonging, and to report to Congress on the first day of the next session thereof whether said premises can be suitably used as a sanitarium or as a home for disabled soldiers, sailors, or marines, or can be profitably utilized in any other way in connection with any other governmental function, and to make such recommendation in the premises as in the judgment of the commission may be deemed to be the best interest of the Government."

In accordance with this provision, the commission has the honor to submit the following report:

It does not seem feasible to maintain the Mount Weather Station as a home for disabled soldiers, sailors, or marines. The objection to its use for this purpose is its isolation and inaccessibility, with consequent heavy fixed charges for maintenance and operation. After necessary alterations and repairs have been made, not more than 120 patients could be accommodated, and the overhead expenditures per patient therefore would compare very unfavorably with like expenses for the operation of other similar governmental institutions. It would be exceedingly difficult to secure and retain a competent medical and nursing personnel, because of the isolated location of the station, and the transportation of supplies, especially during the winter months, would involve a very heavy expense. Even if the facilities of the station were extended to provide for the accommodation of a larger number of patients, it would be necessary immediately to expend a considerable sum for the construction of additional buildings, the enlargement of the water supply, and other improvements, and the objectionable features of isolation, inaccessibility, and heavy operating cost would still remain.



With the view of determining whether the property could be used for any other governmental purpose, the matter was brought to the attention of the following: The Astrophysical Observatory, Smithsonian Institution; Coast and Geodetic Survey, Department of Commerce; Bureau of Standards, Department of Commerce; Geological Survey, Department of the Interior; Bureau of Mines, Department of the Interior; St. Elizabeths Hospital; health department, District of Columbia.

The agencies have reported to the commission either that the station is not needed by them or that it can not be advantageously utilized in connection with their activities; and, after thorough consideration, it does not seem feasible or desirable to make use of the station in the prosecution of any feature of the work of the Department of Agriculture. During the years from 1904 to 1914, while the station was used by the Weather Bureau, meteorological observations and investigations, especially with reference to the exploration of the upper air, were conducted there. The results have been published in the bulletin of the Mount Weather Observatory, and it is no longer advantageous to prosecute meteorological investigations at Mount Weather.

As the investigation of the commission has failed to develop a profitable use of the station by the Government it is recommended that the property be sold at public auction. The natural beauty of the location, the delightful climate during the summer months, and its comparative proximity to Washington, should make it peculiarly suitable for a resort for tourists or boarders, and it may be possible to dispose of it for this purpose.

It is suggested that the following provision be inserted in the Agricultural appropriation bill for the fiscal year 1922:

"That the Secretary of Agriculture be, and he is hereby, authorized and directed to sell to the highest bidder, at public or private sale, the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, and comprising eighty-four and eighty-one one-hundredths acres of land, more or less, together with the buildings and other improvements thereon, including laboratories, cottages, sheds, stables, shops, heating and power plant, kite shelter, and other buildings of whatever nature, together with all the rights, easements, and appurtenances thereto belonging, at such time, in such manner, and upon such terms as he may deem for the best interests of the United States; to convey such property to the purchaser thereof for the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt after deducting the expenses incident to such sale; but the Secretary of Agriculture shall reserve the right to reject any and all bids if it is in the public interest to do so, and to readvertise the property under conditions provided herein as often as may be necessary to accomplish sale."

Respectfully submitted.

D. F. HOUSTON,  
*Secretary of the Treasury.*  
NEWTON D. BAKER,  
*Secretary of War.*  
JOSEPHUS DANILES,  
*Secretary of the Navy,*  
E. T. MEREDITH,  
*Secretary of Agriculture,*  
*Commission.*

DEPARTMENT OF AGRICULTURE,  
Washington, January 22, 1921.

HON. GILBERT N. HAUGEN,  
*Chairman Committee on Agriculture,*  
*House of Representatives.*

DEAR MR. HAUGEN: I desire to submit, for the consideration of your committee, the following suggestions with reference to the enactment of legislation designed to simplify and facilitate the administration of certain laws intrusted to the Department of Agriculture for execution.

In most of the judicial districts of the United States it has been customary in cases arising under the food and drugs act of June 30, 1906, the insecticide act of 1910, the cattle quarantine act of March 3, 1905, the plant quarantine act of August 20, 1912, and the United States grain standards act to proceed by information. Such proceedings are more expeditious and economical than

proceedings by indictment, and, as the informations are supported by oaths or affirmation of persons having personal knowledge of the facts showing probable cause for the prosecution, the proceedings are not arbitrary and work no injustice to the accused. The affidavits supporting such informations are usually sworn to by the inspectors, analysts, and agents of the department who conduct the investigations leading to the proceedings, by individuals who are familiar with the transactions involved, and by dealers from whom samples are obtained. The informations and affidavits are prepared in the office of the solicitor of this department, and after the affidavits have been sworn to the information and affidavits are referred to the Department of Justice for appropriate action. The Department of Justice transmits them to the proper United States attorney, who files them in court if they are found to be in proper form to meet the requirements of his jurisdiction.

This procedure necessitates the procuring by this department of a large number of affidavits from persons not in the employ of the department. Much expense and delay incident to the procuring of the execution of these affidavits would be obviated by the enactment of legislation along the lines indicated below. Inspectors and agents in the field at the time of making their original investigations of the alleged offenses could procure the affidavits of necessary witnesses without expense or delay, thus making the affidavits available immediately for the purpose of prosecution. The fees of officials administering such oaths also would be saved, and expenses due to duplication of travel on the part of inspectors or agents, subsequent to their original investigations, for the purpose of securing verification of facts previously developed would be eliminated. Furthermore, it frequently happens that the person whose affidavit is sought resides in a town where there is no clerk of a United States court or a United States commissioner. Under such circumstances it is necessary that the affidavit be taken by a notary public or other State official, and such affidavits are not universally accepted by the courts. In *United States v. Schallinger Produce Co.* (230 Fed., 290) Judge Rudkin, of the United States District Court for the Eastern District of Washington, refused to accept affidavits subscribed and sworn to before notaries public. In *United States v. Baumert et al.* (179 Fed., 735) Judge Ray, of the United States District Court for the Northern District of New York, held that affidavits taken before notaries public will not be accepted unless such affidavits bear certificates attached thereto showing that the person certifying them at the time was a notary public and authorized by the laws of the State or District to take and certify oaths and affirmations, and that the same were taken and subscribed as required by the laws of the State or District.

It would result in great inconvenience and expense if it were generally required by all of the courts of the United States that all affidavits taken by notaries public must bear certificates, as described in the Baumert case, or if the courts refused to accept affidavits taken by notaries public, as in the Schallinger case. It would also greatly increase the difficulty of securing affidavits from persons outside of the Government service, some of whom are very reluctant to execute the required affidavits, even when it is convenient for them to do so. It would be practically impossible to persuade them to go before an officer at a place some distance from their homes to execute them. It would also be difficult to obtain the services of some notaries if they were required to attach the certificate referred to in the Baumert case. These difficulties could be eliminated by having the inspector empowered to administer oaths take the affidavits of the witness while conducting the investigation of the case.

It will be noted that the bill suggested below provides for the authentication of the acts of the officer, agent, or employee administering the oath by the seal of this department, and that there is a prohibition against the acceptance of any fee for administering an oath under authority of the bill. It is believed that these provisions will be sufficient to guard against any abuse of the authority conferred by the bill and limit the use of the power strictly to the enforcement of the statutes administered by the department.

The following draft of a bill is suggested:

A BILL To provide for the administering of oaths in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of reducing expenses and facilitating the enforcement and administration of the several statutes conferring powers or imposing duties upon the Secretary of Agriculture, the said*



Secretary is hereby authorized to designate which officers, agents, and employees of the Department of Agriculture may administer oaths, and the courts of the United States shall take judicial notice of all designations made pursuant to this act. All such officers, agents, and employees so designated are hereby authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law which the Secretary of Agriculture, or the Department of Agriculture, or any bureau or subdivision thereof, is, or may hereafter be, empowered or directed to administer or to aid in administering. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee, when certified under his hand and authenticated by the official seal of the Department of Agriculture, shall be valid to all intents and purposes; and when offered or used in any court of the United States shall have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such officer, agent, or employee.

That no officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

Respectfully,

E. T. MEREDITH, *Secretary*.

DEPARTMENT OF AGRICULTURE.

Washington, January 27, 1921.

Hon. G. N. HAUGEN,

*Chairman Committee on Agriculture, House of Representatives.*

DEAR MR. HAUGEN: The department has the honor to recommend for consideration of the Congress the amendment of the act of May 23, 1908 (25 Stat., 251), authorizing the payment of 25 per cent of the receipts from each national forest to the State or Territory in which it is located, for the benefit of the public schools and roads, so as to provide that from the end of the fiscal year 1921 to the end of the fiscal year 1930, both inclusive, 50 per cent of such receipts shall be paid to the Territory of Alaska.

This increase is recommended because of the large proportion of the Territory which consists of Federal lands, the small taxable values available for the support of public roads and schools, and the fact that the lack of development in Alaska has brought the Territory little benefit from the Federal land grants in aid of education. The conditions in Alaska in these respects are sufficiently dissimilar to those of any of the States having national forests to justify a special provision for Alaska during the ensuing 10 years.

The following draft of a bill for this purpose is suggested:

A BILL To increase the percentage of national forest receipts to be paid to the Territory of Alaska.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the provision in the act of Congress approved May 23, 1908 (Thirty-fifth Statutes at Large, page 251 at page 260), requiring the payment of 25 per cent of the receipts from each national forest to the State or Territory within which it is situated to be expended for the benefit of public schools and roads, is hereby amended to provide that from the end of the fiscal year 1921, to the end of the fiscal year 1930, both inclusive, 50 per cent of all moneys received from the national forests in Alaska shall be paid to the Territory for expenditure by the territorial legislature in accordance with the provisions of said act.

Respectfully,

E. T. MEREDITH, *Secretary*.

SALT LAKE CITY, UTAH, January 20, 1921.

Congressman HAUGEN, Washington, D. C.:

National Wool Growers Convention to-day passed following resolution: "Whereas the majority of users of the national forest are unable to secure sufficient money to meet current expenses: Therefore be it

*Resolved*, That we, the National Wool Growers' Association do urgently request Congress to make it possible for the Secretary of Agriculture to defer payment of all grazing fees until August 31, 1921."

F. R. MARSHALL, *Secretary*.

The CLERK. There are several other suggestions for legislation, including a letter from George A. Hormel & Co., relative to the condemnation of diseased carcasses; a letter from Congressman Anderson transmitting correspondence from Mr. Nelson in reference to legislation affecting the thickness of paper; a statement with exhibits from Daniel F. Seerey in reference to district 4 of the Forest Service; and various other communications.

(The correspondence referred to was exhibited.)

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move that these matters mentioned as coming from the Secretary of Agriculture be taken up in executive session at the early convenience of the committee, the meeting to be called by the chairman.

(The motion, being duly seconded, prevailed.)

Mr. RIDDICK. Mr. Chairman, I move that Mr. Sinclair, of North Dakota, be given 10 minutes to make a statement before the committee on a bill which he has introduced at some future meeting to be called by the chairman.

The CHAIRMAN. Without objection, it will be so ordered.

(Thereupon the committee proceeded to hold a hearing.)



RECOMMENDATIONS OF THE SECRETARY  
OF AGRICULTURE

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HEARINGS

BEFORE THE

COMMITTEE ON AGRICULTURE

HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH CONGRESS

SECOND SESSION

---

MARCH 2, 1922

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Serial V



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1922

COMMITTEE ON AGRICULTURE.

HOUSE OF REPRESENTATIVES.

SIXTY-SEVENTH CONGRESS, SECOND SESSION.

GILBERT N. HAUGEN, Iowa, *Chairman*.

JAMES C. McLAUGHLIN, Michigan.

CHARLES B. WARD, New York.

FRED S. PURNELL, Indiana.

EDWARD VOIGT, Wisconsin.

M. O. McLAUGHLIN, Nebraska.

CARL W. RIDDICK, Montana.

J. N. TINCHER, Kansas.

T. S. WILLIAMS, Illinois.

J. H. SINCLAIR, North Dakota.

EDW. D. HAYS, Missouri.

CHARLES J. THOMPSON, Ohio.

FRED B. GERNERD, Pennsylvania.

FRANK CLAGUE, Minnesota.

JOHN D. CLARKE, New York.

H. M. JACOWAY, Arkansas.

JOHN W. RAINEY, Illinois.

JAMES B. ASWELL, Louisiana.

DAVID H. KINCHELOE, Kentucky.

MARVIN JONES, Texas.

PETER G. TEN EYCK, New York.

L. G. HAUGEN, *Clerk*.



## RECOMMENDATIONS OF THE SECRETARY OF AGRICULTURE.

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COMMITTEE ON AGRICULTURE,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., March 1, 1922.

The committee proceeded to the consideration of S. 1034, Hon. Gilbert N. Haugen (chairman), presiding.

Present: Representatives Purnell, Voigt, Riddick, Tincher, Williams, Sinclair, Thompson, Gerner, Clague, Clarke, Jacoway, Aswell, Jones, and Ten Eyck.

### STATEMENT OF MR. W. C. HENDERSON, ASSISTANT CHIEF, BIOLOGICAL SURVEY.

S. 1034.

Mr. HENDERSON. Mr. Chairman, this is a letter that was sent by the Acting Secretary of Agriculture to the chairman of the Committee on Public Lands and Surveys in the United States Senate, and it has been suggested that we read this as an expression of the views of the department on the bill as originally introduced.

JUNE 10, 1921.

HON. REED SMOOT,

*Chairman, Committee on Public Lands and Surveys,  
United States Senate.*

DEAR SENATOR SMOOT: Receipt is acknowledged of your request of April 25 for a report upon the bill S. 1034. "To establish a game sanctuary in the watershed of the South Fork of the Flathead River in the Flathead National Forest to perpetuate a breeding place for game animals."

The measure proposes to designate and set apart an area comprising approximately 680,000 acres in the Flathead National Forest, to be maintained and administered as a game sanctuary and to provide a breeding place for large game animals and game birds. It includes most of the head waters of the South Fork of Flathead River. It lies just west of the Continental Divide and adjoins the Sun River State Game Reserve which is on the east side of the Divide. The region is very rough and rugged with long cold winters. On account of the elevation and climate, agricultural pursuits are impracticable. The area is not well suited to the grazing of domestic live stock, owing to the long feeding season and the great distance from agricultural settlements of any extent. The enactment of this measure would not result in restricting the grazing privileges now enjoyed by owners of domestic stock.

According to the forest officers it is believed that the proposed sanctuary now includes approximately 1,000 elk, 500 deer, 50 moose, 500 goats, and 10 mountain sheep, in addition to scattering coveys of ruffed and blue grouse. The region is naturally adapted to the propagation of these species, since it affords much forage and feed for them.

At the present time the game animals and birds in this area may be killed during the open hunting season. Reports show that the numbers killed each year are rapidly decreasing the quantity of game, and unless adequate protection is given the time can be measured when some of the species will be exterminated in this region, although the area would support many times the numbers now found there.

The establishment of a sanctuary will permit the animals and birds to propagate and in time the overflow drifting outside the sanctuary to the adjoining ranges will provide more game than may now be killed within the region.

The measure would also provide that in the case of surplus of any species the State game warden may authorize the utilization of such surplus under rules to be prescribed by the Secretary of Agriculture.

The department feels that it would be better if authority were given to establish a sanctuary without designating in the law the particular tract to be set aside, because it might be found upon a closer and more careful examination that all of it is not needed for the sanctuary and could be utilized to better advantage in other ways. In order to make it possible to accomplish this it is suggested that after the word "proclamation" in the eighth line, page 1, the word "within" be inserted and that the word "of" be substituted for the word "within" at the end of line 8, page 1, and strike out the word "as" in line 9, page 1, so that lines 8 and 9 will read as follows: "by public proclamation, within the following-described area of the said forest a game sanctuary or refuge which shall be".

The establishment of a sanctuary in the Flathead National Forest of reasonable proportions will not interfere with the use of the lands for other purposes, and through utilization of the natural feed for game will provide an increased food supply. The department believes that such a sanctuary would serve a very useful purpose in that vicinity and therefore has no objection to the passage of the bill as amended.

Very truly, yours,

E. D. BALL, *Acting Secretary.*

Mr. CLARKE. What is the acreage of this area?

Mr. HENDERSON. Six hundred and eighty thousand acres.

Mr. CLARKE. Does the State of Montana approve it?

Mr. RIDDICK. I think so.

Mr. HENDERSON. I think the request came from the citizens of the western part of Montana and not from any branch of the department.

The CHAIRMAN. What do you estimate will be the cost of maintenance or supervision?

Mr. HENDERSON. I do not think there would be any increased cost. Of course, it will be entirely under the administration of the Forest Service.

Mr. CLARKE. How much of this land is adapted to agriculture—any of it?

Mr. HENDERSON. The Forest Service reports that none of it has been classified as suitable for agriculture.

Mr. GERNERD. Is this to be purchased?

Mr. HENDERSON. It is now a part of the Flathead National Forest.

The CHAIRMAN. Let us have an estimate of the cost. You say there would be no additional cost?

Mr. HENDERSON. I do not understand so.

The CHAIRMAN. Will not the Biological Survey have to take care of it?

Mr. HENDERSON. We do not have anything to do with it, except our opinion was requested on the merits of the bill.

The CHAIRMAN. Would it not be necessary to employ a game warden to see that the proper regulations were made and enforced, or would that be handled by the Forest Service altogether?

Mr. GREELEY. This area is already under the administration of the Forest Service as a national forest. The effect of this bill would simply be to forbid the killing or capture of game animals and the bill would be enforced by the regular force of the Forest Service.

The CHAIRMAN. And would not carry any additional expense?

Mr. GREELEY. And would not carry any additional expense.

Mr. JACOWAY. In section 3 the Federal Government assumes jurisdiction of the control over the wild animal life of Montana and says you can not hunt, pursue, or kill. Now, as the courts have frequently held that the wild animal life of every State is the fee simple property of every State and not of the Federal Government, I would just like to ask you to state to the committee if you do not think a bill of that kind would be unconstitutional, and do you not think its provisions would be unenforceable?

Mr. GREELEY. The legal status of that proposition, as I understand it, sir, is this: The Federal Government has recognized the jurisdiction of the States over wild life. As to the Federal lands which the Government owns and in which it has the rights of the property owner, regardless of any rights of the sovereign, the Federal Government has acquiesced in the jurisdiction of the States over wild life upon that land, but has reserved to itself the right to exercise such jurisdiction in cases where it deems it essential to the public

interest, and exercised that jurisdiction over Federal land in a number of cases—for instance, in the national parks.

Mr. JACOWAY. I am not objecting; I am just trying to elaborate the bill. You say they have acquiesced. There is no necessity for acquiescence when the title to the game is in the State. Now, I want to ask you if you do not think that as far as this committee can go and as far as the Federal Government can go in a bill of this kind is to write in the law a provision that there shall be no trespass upon the land and have nothing whatever to say about hunting, pursuing, or chasing wild animals or wild game upon it?

Mr. GREELEY. That would not add anything to the existing legislation. The land is already protected against trespass.

Mr. JACOWAY. That may be true, but you are asking jurisdiction and control over property that the Federal Government has absolutely no more title to than you have. Now, if that is so, how are we going to pass a bill out of this committee that will give that jurisdiction over property which the Federal Government does not own?

Mr. GREELEY. I do not believe that is so, sir.

Mr. JACOWAY. I know it is so.

Mr. HENDERSON. Might I suggest that question has been considered at various times already, and the right of the Government proceeds from the right of a property owner to prevent anybody from making any use of its land it sees fit to prohibit.

Mr. JACOWAY. You can go that far.

Mr. HENDERSON. It can provide that no act can be done on its land; it can locate it in a preserve and say nobody can enter, or it can say upon what conditions a man may enter.

Mr. JACOWAY. That is true.

Mr. HENDERSON. And I think the Supreme Court has confirmed the power of Congress to control the use of any of its land. That does not exercise any control over the wild life of the State.

Mr. JACOWAY. Let us see. It says:

"That when such game sanctuary or refuge has been established, as provided in section 1 of this act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals or birds, for any purpose whatever, upon the lands of the United States within the limits of said game sanctuary or refuge, shall be unlawful, except as hereinafter provided."

Now, right there, the Federal Government seeks to step in and take control and jurisdiction over something that the courts of this country have held time and time again, if I understand the decisions—that they have no jurisdiction of or right to control.

Mr. HENDERSON. But the crux of that language is "upon the lands"; and the Supreme Court of the United States, in upholding the migratory bird treaty act, referred, with apparent approval, to the bird reservations of the country.

Mr. JACOWAY. That is true as to the migratory birds, but here the wild life is wholly within the State of Montana.

Mr. HENDERSON. The court referred to the creating of these bird reservations upon which no hunting of birds, resident or any other sort, is permitted, except as provided for by the Secretary of Agriculture, and those reservations have been in existence for 20 or 30 years.

Mr. JACOWAY. This does not refer to the land at all, it refers to the thing upon the land; that is, the wild life. The bill has nothing to do with anything else except property while it is within the State.

Mr. RIDDICK. I would like to ask how the Yellowstone National Park is administered—under a law or regulation, or how?

Mr. HENDERSON. I think the law which created the park gave the Government the right to protect the game there. It is certainly protected very rigidly.

Mr. RIDDICK. Certainly it is, and this is a forest reservation and why can not the department that has charge of that reservation make any rules it wants to for protecting the game, without any legislation?

Mr. HENDERSON. A good many people thought that was true, but in about 1907 the Forest Service raised that question, through the Secretary, with the Attorney General's office and, as I remember it, he held the power was inherent in the Government but would require action by the Government, in addition to the Forest Service enabling act. The solicitor of the department, I might say, has gone into this question at considerable length and he would be only too glad to come up here and express his views upon the subject.

(On motion of Mr. Purnell, the chairman was directed to report the bill.)



## STATEMENT OF MR. R. P. STEDDON, CHIEF OF THE MEAT INSPECTION SERVICE.

H. R. 10672.

The CHAIRMAN. Kindly give the committee your name.

Mr. STEDDON. R. P. Steddon.

The CHAIRMAN. You are with the Department of Agriculture?

Mr. STEDDON. Yes; I am chief of the Meat Inspection Service. The question we are considering is a change in the present practice of the payment of our meat inspectors, as under the present appropriation act, for the year 1920, it provides that the Secretary of Agriculture may pay inspectors for overtime work and, in turn, collect this amount from the meat packers for whom the inspection is furnished.

The CHAIRMAN. That was an appropriation act for the year 1920.

Mr. TINCHER. The packers, in the way that they handle their business, require the services of the meat inspectors in such a way as to make them work overtime?

Mr. STEDDON. Yes, sir.

Mr. TINCHER. And in the general hearings on the packer legislation here some of us thought that the principle of the packer paying a Government official was rather a bad principle, and they avoided that principle to a certain degree by the Secretary of Agriculture penalizing the packers for so conducting their business as to make the meat inspectors work overtime, and he makes the packers pay the cost to the Government of that overtime, as I understand it?

Mr. STEDDON. That is true. Prior to the passage of this bill there was very much overtime by our inspectors. The packers were continually asking us to furnish inspectors for long hours, and with their requests usually they would say, "We would like to pay for this if we could; we know the men ought to be paid and we would like to pay them"; but knowing at the same time that they could not pay for it and our inspectors were prevented by law from receiving it.

Mr. VOIGT. When the inspectors work regular hours, the packers do not contribute to their pay at all?

Mr. STEDDON. They do not; no. We have an appropriation from which the men in that service are paid.

Mr. VOIGT. Are the packers charged anything for the inspection service?

Mr. STEDDON. They are not; except under this provision for the overtime service of our inspectors.

Mr. GERNERD. What does this inspection service cost the Government?

Mr. STEDDON. Well, it is costing about \$3,800,000.

The CHAIRMAN. I have a communication here from the Secretary. I might read one short paragraph:

"With the return of more normal conditions it is thought that the old principle under which the Government paid for all its inspections should be asserted again. The remission in part of this plan by the passage and operation of this overtime law has not been entirely satisfactory in all particulars. It is thought that a practice of permitting an inspected industry to pay the cost of the inspection as part of the salaries of employees of a regulatory power is based upon a false principle and should be countenanced only as an extreme measure to meet extreme and extraordinary conditions."

Mr. TINCHER. How much of that \$3,800,000, under the present system, is paid by the packers?

Mr. STEDDON. None of that.

Mr. TINCHER. How much do you suppose they pay in for overtime?

Mr. STEDDON. In the neighborhood of \$200,000.

The CHAIRMAN. \$207,103.33 is the amount stated in the Secretary's letter.

Mr. STEDDON. Yes.

Mr. VOIGT. Can you not, in effect, avoid the operation of this overtime law by simply declining to let your inspectors work overtime?

Mr. STEDDON. That would be a very great hardship on the packers; it would be impracticable, from the nature of their business.

Mr. VOIGT. I understand you want this law repealed that provides they can work overtime at the expense of the packers?

The CHAIRMAN. To change it to overtime at the expense of the Government instead of at the expense of the packers.

Mr. STEDDON. The idea was to discuss the proposition and see what would be the result. If we undertook to work our men without payment for this additional time what would happen?

Mr. VOIGT. They might accept some presents from the packers in that case.  
 Mr. STEDDON. That is just what we do not want done. We do not think it is being done and we think that the present law carries with it a very severe penalty for anything of that kind.

Mr. CLARKE. What is your suggestion?

Mr. GERNERD. What are you after?

The CHAIRMAN. Your suggestion is that the Government pay for the overtime instead of the packers paying for the overtime, just as the Government is paying for the regular time?

Mr. STEDDON. Yes.

Mr. VOIGT. And furnish overtime whenever it is needed?

Mr. STEDDON. And furnish overtime whenever it is needed and give the department a plan by which it may pay for this as overtime.

Mr. CLARKE. Does the Secretary approve of that, Mr. Chairman, in his letter?

The CHAIRMAN. Yes.

(The letter of the Secretary of Agriculture is as follows:)

DEPARTMENT OF AGRICULTURE,  
 Washington, October 26, 1921.

HON. GILBERT N. HAUGEN,  
*Chairman of the Committee on Agriculture,  
 House of Representatives, Washington, D. C.*

DEAR MR. HAUGEN: Reference is made to your telephone conversation with Dr. J. R. Mohler yesterday regarding the provision of law under which employees in the meat-inspection service receive pay from the packers for overtime work.

This law is contained in the appropriation act for the Department of Agriculture for the fiscal year ending June 30, 1920, and passed July 24, 1919. For the fiscal year 1920 payment for overtime work made by the department to employees and subsequently reimbursed to the department by the proprietors of packing houses amounted to \$207,103.33. For the fiscal year ending June 30, 1921, such payments amounted to \$221,982.75. Overtime services were paid for at the usual rates of time and a half for overtime on week days and double for work on holidays and Sundays.

Although not passed until after the close of the war's actual hostilities, this act is properly regarded as a war-time measure. During the war the packing houses necessarily were operated at nights and on holidays and Sundays, and the bureau was obliged to give inspection at whatever hours the packers desired to work. Until the passage of this law, all such overtime services were unpaid for and bureau employees were forced to work long hours without extra remuneration and with a comparatively small advance in their regular wages, although the pay of packing-house employees steadily advanced, and such employees received extra money at these advanced rates for every overtime hour. It had come to be a common remark that the pay of the Government's expert inspectors was scarcely as much as that received by common labor about the packing houses. Congress and the department agreed that under the circumstances the Government's employees might with justice receive pay for the actual time they worked in excess of the usual 8-hour day from the industry which was obliged to go at top speed to supply the country's needs for meat.

With the return of more normal conditions it is thought that the old principle under which the Government paid for all its inspections should be asserted again. The remission in part of this plan by the passage and operation of this overtime law has not been entirely satisfactory in all particulars. It is thought that a practice of permitting an inspected industry to pay the cost of the inspection as part of the salaries of employees of a regulatory power is based upon a false principle and should be countenanced only as an extreme measure to meet extreme and extraordinary conditions.

However, the situation of the Government's employees that prevailed before the passage of the law, when they were forced to work overtime without pay, certainly should not recur. It would be unfair to them and it would, I am sure, result in a distinct lowering of the whole system of inspection. Should your committee see fit to recommend a repeal of this legislation it should at the same time insure that sufficient money is provided to guarantee the continuance of the present high efficiency in the meat-inspection service. As shown above, the average overtime pay for two years has amounted to about \$214,000 a year. Part of this is for overtime on week days and part for overtime on holidays and Sundays. It is thought that with a return to entire Government pay and under



the conditions as they now exist a great deal of the holiday and Sunday work could be discontinued, and that a sum of \$160,000 a year would at the present be sufficient to meet the expenses of necessary overtime. Accordingly, it is recommended that with the repeal of the law such part of this sum as may be necessary, depending on the date of repeal, be added to the current meat-inspection appropriation.

Very truly, yours,

HENRY C. WALLACE, *Secretary.*

**STATEMENT OF MR. W. B. GREELEY, CHIEF OF THE FOREST SERVICE.**

H. R. 10677.

Mr. GREELEY. Mr. Chairman, this Quincy R. Craft case is a question of disagreement between two lawyers. The regular appropriation act for the Forest Service for the fiscal year 1917 provided that not building could be constructed, under the sums appropriated, at a cost in excess of \$650. On March 17 of that year, the appropriation act for the succeeding year, for the fiscal year 1918, provided that buildings might be constructed at the Niobrara Nursery of the Nebraska National Forest within a limit of \$1,000.

The solicitor for the department held that the \$1,000 limit became applicable from the date of the enactment of that appropriation law, and, in good faith, under that solicitor's opinion, Mr. Craft, who is the disbursing officer of the Forest Service at Denver, paid bills aggregating \$986 on the particular building. When these bills reached the Comptroller of the Treasury, the payments in excess of the first limit of \$650 were disallowed on the ground that the limitation in the agricultural appropriation act for that year was binding over and above the limitation expressed in the special item for the Nebraska National Forest.

The CHAIRMAN. The payment was made based upon the ruling of the solicitor of the Department?

Mr. GREELEY. The payment was made based upon the ruling of the solicitor of the department. This involves no additional appropriation; the item before you involves allowing simply the excess payment.

The CHAIRMAN. How much is that?

Mr. GREELEY. Three hundred and thirty-six dollars, which will otherwise have been borne by Mr. Craft personally.

The CHAIRMAN. Three hundred and thirty six dollars for value received, was it?

Mr. GREELEY. This material was received and put in the permanent equipment of the Forest Service at that point.

Mr. JACOWAY. You say that the forest man at Denver paid out this money on the ground that he had the legal authority to do it, because the solicitor of the Department of Agriculture has so ruled?

Mr. GREELEY. Because the solicitor had so ruled.

Mr. JACOWAY. He paid that money out, and, subsequent to that time, there was a conflict of legal authorities?

Mr. GREELEY. Yes, sir.

Mr. JACOWAY. And in the meantime he comes to Congress and asks for reimbursement, and if we do not give that authority he loses?

Mr. GREELEY. If you do not give that authority he loses.

(On motion of Mr. Jacoway the Chairman was directed to report the bill.)

H. R. 10675.

Mr. GREELEY. This is a bill for the relief of Henry McGuire. This is an old story in the annals of the Forest Service, which runs about as follows: In 1919 some rangers on one of the national forests in Idaho were cleaning up slashes on the stump area in accordance with their official duties and, by some act, presumably by negligence on their part, the fire got away from them and burned up the home of a Denver settler. The supervisor, recognizing that he was under obligation to make this loss good, and within the authority which he had, offered the settler, Mr. Campbell, who had lost his home, free use of the national forest timber sufficient to replace the building. Mr. Campbell was unable to take advantage of that offer and turned to his neighbor, Mr. McGuire,

who operated a sawmill, and with the concurrence of the supervisor, arranged to obtain the quantity of timber which he needed in the form of sawn lumber from Mr. McGuire.

The material was furnished by Mr. McGuire in good faith on the expectation that he would receive from the Forest Service an equivalent value in logs or in standing stumpage. That arrangement, however, was never carried out. It was not an arrangement that could properly be made by the forest officers, as they lacked the authority to reimburse this mill operator by giving him Government timber.

Mr. CLARKE. Campbell got his lumber all right?

Mr. GREELEY. Campbell got his lumber and McGuire is out for the lumber bill. The obligation resting on the Government is not a legal obligation but a moral obligation of \$225. In this case the Federal officers were definitely responsible for the fire.

Mr. TEN EYCK. As I understand this case, the man really had a right to the lumber to build his house?

Mr. GREELEY. He had a right to the timber under the law.

Mr. TEN EYCK. He had a right to the timber under the law, but he was not able to take advantage of utilizing the timber that came off of the Government's preserve, so he got it from another man and had it sawed up and used it with the expectation that the timber would be taken off of the preserve and given over to the fellow who furnished the lumber?

Mr. GREELEY. Yes, sir.

Mr. TEN EYCK. Could you not get around to it by delivering the timber to the man who lost the house and then he, in turn, delivering it to the sawmill man?

Mr. GREELEY. That would be in violation of the law on the subject of the free use of timber. As I view it, this is very definitely a moral obligation resting on the Government.

The CHAIRMAN. Is there a question of negligence involved in this?

Mr. GREELEY. The Government officials were certainly responsible for this fire. They were using the fire for a proper purpose, but it got beyond their control.

Mr. GERNERD. Since I have been down here in Congress I am beginning to see it is absolutely necessary for the Government to maintain its integrity if it expects the individual to maintain his integrity, and a moral obligation is just as strong with me as a legal obligation.

(Mr. Sinclair moved that the department be requested to prepare a bill and that upon receipt of same it should be reported by the chairman. The motion was carried.)

#### STATEMENT OF MR. KARL F. KELLERMAN, BUREAU OF PLANT INDUSTRY.

H. R. 10673.

Mr. KELLERMAN. The case presented to you is also one of a moral obligation. In handling the citrus canker eradication work, the funds were handled in cooperation with the States where the citrus canker occurred. The Secretary is given authority in the appropriation act to cooperate with State officials and with the local associations, and, in that cooperation, is specifically authorized to use the funds contributed by local associations or individuals. That rather general authority was made because, in many cases, a rather small local community was deeply interested in eradication work and were, therefore, desirous of contributing local funds in States, where the State as a whole, had so little interest in the citrus industry that State funds were not forthcoming. That applies particularly to such States as Alabama, Mississippi, and Georgia, where the States' interest as a whole in citrus plantings are exceedingly small. In the initial organization of the campaign no State funds of any character were available and, accordingly, a subscription list was prepared in the city of Mobile, the two counties of Baldwin and Mobile being the areas chiefly interested in cooperating with the Bureau of Plant Industry.

Mr. JACOWAY. The legislature of Florida passed the first bill appropriating money to cooperate with the Federal Government, did it not?

Mr. KELLERMAN. No; the Federal Government appropriated the first money spent on the citrus canker eradication. The first money spent in Florida was a combination of locally contributed money and Federal money, through local

associations and through a citrus exchange in Florida, under which the cooperation was first begun. The State had practically no funds at that time. Later the State of Florida did appropriate large sums.

Mr. JACOWAY. Did not the State of Florida put up the first money to fight the citrus canker?

Mr. KELLERMAN. Yes.

Mr. JACOWAY. About \$200,000, was it not, at that time?

Mr. KELLERMAN. The first appropriation of any size was made by the State of Florida.

Mr. JACOWAY. I mean this voluntary contribution made by the State of Florida.

Mr. KELLERMAN. That was about \$20,000 to start with, and then continuing appropriations were made. Many of those we have no exact records of, but, altogether, it is something estimated at over \$200,000.

Mr. JACOWAY. I went through that fight in the committee and was very much interested and did what I could. I want to ask you if the citrus canker has been exterminated.

Mr. KELLERMAN. We believe the citrus canker has been exterminated from Florida and from Georgia, and almost exterminated from Alabama and Mississippi.

Mr. JACOWAY. What about California?

Mr. KELLERMAN. California, we believe, has never been infected. We have just completed a careful survey of the citrus district of California and Arizona.

Mr. GERNERD. Are they really growing oranges in Alabama? What citrus fruits do they grow there?

Mr. KELLERMAN. The Satsuma is grown in Alabama and Mississippi. In fact, Alabama now is perhaps the leading area for the production of Satsuma oranges in this country. That is the little thin-skinned Japanese type of orange.

Mr. GERNERD. I did not know that; that is really news to me.

Mr. KELLERMAN. That is really a big industry in Alabama.

Mr. JACOWAY. Did not this citrus canker get such a hold in Japan that the industry over there was about destroyed?

Mr. KELLERMAN. No; I think the industry in the Orient will still continue, because they have a somewhat cooler climate there and the disease does not thrive in their somewhat cooler climates as it does over here, where we have very high temperatures in our summers.

Mr. TEN EYCK. Are they still bringing buds over from Japan into Alabama?

Mr. KELLERMAN. No, sir; that was prohibited in 1916.

Mr. JACOWAY. All told, the Government has appropriated something over \$500,000 for the extermination of the citrus canker?

Mr. KELLERMAN. The total is over that. In one year we got \$480,000.

Mr. JACOWAY. You got a quarter of a million dollars from this committee to start with.

Mr. KELLERMAN. Then we got some in a deficiency bill.

Mr. JACOWAY. Then you went to the Appropriation Committee and got \$300,000. That is \$550,000.

Mr. KELLERMAN. My recollection is the total was \$480,000 for that year.

Mr. JACOWAY. Have you found any other way of exterminating the citrus canker except by burning up the trees?

Mr. KELLERMAN. We have never found any way to stop that disease from spreading—

Mr. JACOWAY. Except by burning the trees?

Mr. KELLERMAN. Except by burning the trees.

Mr. JACOWAY. Have you any improved methods of burning the trees?

Mr. KELLERMAN. No; we have not; we are still using the method, which I think is very efficient and very cheap, of spraying with oil at the same time the tree is set on fire. That destroys a tree even of large size very quickly.

Mr. TEN EYCK. What is your policy—to replace the trees for the owner?

Mr. KELLERMAN. The policy has been to pay no charge whatever for a diseased tree. The only thing we do is to help in sterilizing the ground where the trees are burned. We do try to spend a little money in that way, to insure against any reinfection.

Mr. JACOWAY. I think you have done a wonderful work, because this is one disease that can be carried on the wings of birds, and the feet of birds, and the feet of dogs and human beings, and I do not see how you did it.



Mr. KELLERMAN. It has been the hardest campaign the bureau has ever taken up. I think we have almost succeeded in eliminating the citrus canker.

The CHAIRMAN. The claim is to make up a deficit in the department; it is to pay certain inspectors?

Mr. KELLERMAN. It is not a deficit in the ordinary sense of the word.

The CHAIRMAN. As I learn from this letter of the Secretary, a subscription list was started and the banks advanced the money and you felt confident or certain these funds would be provided for, and you made your estimates accordingly and employed inspectors and in the end all the subscribers did not pay up, and as a result you were short, is that not it?

Mr. KELLERMAN. That is quite true.

Mr. GERNERD. How much is it?

Mr. KELLERMAN. The total asked for is \$1,200. As a matter of fact, we have not a full record of absolutely all of the individual claims; but the claims we have on file in my office amount to \$688.98, and the names of 10 men.

The CHAIRMAN. Who were these inspectors? Were they local men?

Mr. KELLERMAN. They were employed because of their knowledge of local conditions in almost all cases.

The CHAIRMAN. About how much are these claims, each individual claim, and the number of them?

Mr. KELLERMAN. The largest claim is for \$59. That man has four claims. The others are \$55, \$59, and \$37.

The CHAIRMAN. There is no way of collecting that subscription or making those people pay?

Mr. KELLERMAN. No. Many men who subscribed money, as a result of the disorganization of the nursery business and the land business at that time that went with the feeling that citrus canker was going to destroy the citrus industry of the entire South—with that disorganization that went through there—many men were broke and could not pay.

The CHAIRMAN. These inspectors were employed by the department?

Mr. KELLERMAN. The inspectors were employed by the department. Their salaries had been paid. There is no claim on that. This is for the necessary expenses for traveling when they were ordered to go from place to place. These are claims for reimbursement for traveling expenses which they incurred in accordance with their official duties.

The CHAIRMAN. That is part of the salary and part of the contract, is it not—part of the contract of employment?

Mr. KELLERMAN. Practically so, although it is not written in a contract.

The CHAIRMAN. Did the department agree to pay expenses in addition to the salary?

Mr. KELLERMAN. Yes.

The CHAIRMAN. Then it is part of the contract, part of the obligation?

Mr. KELLERMAN. It is part of the moral obligation, but the responsibility is a responsibility that is hard to place.

The CHAIRMAN. It is, a liability incurred by the Government? You employed those people? You agreed to pay them a per diem and pay their expenses, whatever they might be? Was not that the contract?

Mr. KELLERMAN. No; because we made the agreement with the State that we would pay up to a certain amount.

The CHAIRMAN. A certain amount of what?

Mr. KELLERMAN. We agreed to pay \$3,000 worth of work in Alabama.

The CHAIRMAN. Three thousand dollars?

Mr. KELLERMAN. And the State was under a moral obligation to pay an equal sum.

The CHAIRMAN. Oh, all right.

Mr. KELLERMAN. Now, the man in charge of the State work—

The CHAIRMAN (interposing). Did he represent you or represent the State?

Mr. KELLERMAN. He was representing us and also representing the State, holding an appointment from both the State and the Federal Government. That man, if he had held rigidly to the letter of the law, would never have incurred liabilities beyond the actual cash in hand or the cash that had been allotted to him by Federal authority. There is where we have no place to claim that we have a legal deficit, but we do feel—

The CHAIRMAN (interposing). Did they incur a liability under proper authority, under authority of law—

Mr. KELLERMAN (interposing). Under authority of law.

The CHAIRMAN. Very well. The obligation is \$1,200—not to exceed \$1,200?



Mr. KELLERMAN. Yes; that is what we are asking.

Mr. TEN EYCK. I would like to see them paid, but I would like to state a little something that occurred in my own State. We were bothered with the corn borer. The Federal Government came in there with the State and they worked and quarantined certain places in the State of New York, and they did \$30,000 or \$40,000 damage to certain individuals for the good of the entire State, but the State of New York took care of that damage. Now, it is a question whether we want to open up the matter here and permit the Federal Government to make arrangements with the various States of the Union to go 50-50, and then have the States fall down on their proportionate amount and the Federal Government step in to pay the deficit. Now, it is a pretty serious proposition. It is liable to go into many thousand dollars. It is not a good precedent to establish, to permit a State to fall down on its obligation.

Mr. GERNERD. I agree with you on that.

Mr. RIDDICK. The State did not fall through in this case. They came through with the full amount, but the man who represented the Federal Government with authority to act exceeded the appropriation in his expenditures.

Mr. TEN EYCK. I did not understand that the State put in the amount that they agreed upon. If the State did put in the amount agreed upon and the Federal Government put in the amount agreed upon, and then the man representing the Federal Government exceeded that amount, I think the Federal Government is obligated to make up the deficit.

Mr. RIDDICK. That is the way I understood the facts.

The CHAIRMAN. I think Congress has a defined policy in that respect, and that is that no deficit should be incurred. It appears here that a deficit has been created, due largely to misplaced confidence in these subscribers that they would pay their part of it. If they had done so there would not have been any deficit. Now, the question is whether they were warranted in taking that step and placing that much confidence in them. It may establish a dangerous precedent, because there are others who might come in, as Mr. Ten Eyck suggests; there may be a number of States coming in with a deficit where they have not been able to meet their share. What have you to say to that, Doctor?

Mr. BALL. I think this involves an entirely different principle.

The CHAIRMAN. I mean in all the branches of the bureau, in extension work, and in various lines.

Mr. BALL. No; I think not. I think Mr. Ten Eyck's citation could not be used as a precedent in this case. This was a case which involved the protection of the whole Nation. They destroyed the property of individuals. It was not a question of hiring individuals and having them do work for which they were not paid. That is another question. The question of whether, when we carry out a quarantine and thereby ruin a man's business, we shall indemnify him or not—that is another question.

Mr. TEN EYCK. This is to pay individuals for actual labor performed?

Mr. BALL. Yes, sir; to pay them for actual labor performed.

Mr. VOIGT. It is not a deficit on the part of the State, as Mr. Ten Eyck assumes. I understand it is a deficit caused by the failure of different individuals to pay up their subscriptions.

Mr. TEN EYCK. And the United States Government was a partner with the individuals.

Mr. VOIGT. Some official of the Government assumed that these individuals would make good their subscriptions and carry on this work, and those individuals fell down on their promises.

Mr. BALL. It was a tremendous emergency. The whole citrus industry was threatened. That man, even if he exceeded his authority a little, did eradicate the citrus canker.

Mr. TEN EYCK. I recommended to the agricultural department of the State of New York, and arranged through the Geneva experiment station, of which I am one of the trustees or directors, that the State appropriate an emergency sinking fund to take care of immediate relief when a matter of this kind comes up which could not possibly be foreseen.

The CHAIRMAN. It is well to keep in mind that a bird in the hand is worth ten in the bush. You had better not bank on subscriptions in the future.

Mr. GERNERD. I make a motion that we allow this amount.

(The question was taken and the motion was agreed to.)

(Thereupon the committee adjourned until to-morrow, Thursday, March 2, 1922, at 10 o'clock a. m.)

COMMITTEE ON AGRICULTURE,  
HOUSE OF REPRESENTATIVES,  
*Thursday, March 2, 1922.*

The committee met at 10 o'clock a. m., Hon. Gilbert N. Haugen (chairman) presiding.

Present: Mr. Haugen (chairman), Mr. McLaughlin of Michigan, Mr. Purnell, Mr. Voigt, Mr. McLaughlin of Nebraska, Mr. Riddick, Mr. Tincher, Mr. Williams, Mr. Sinclair, Mr. Hays, Mr. Clague, Mr. Clarke, Mr. Jacoway, Mr. Aswell, Mr. Kincheloe, and Mr. Jones.

The CHAIRMAN. The committee will come to order.

Mr. Secretary, we will be pleased to hear from you this morning.

**STATEMENT OF HON. HENRY C. WALLACE, SECRETARY OF AGRICULTURE, AND DR. E. D. BALL, DIRECTOR OF SCIENTIFIC WORK, DEPARTMENT OF AGRICULTURE.**

Secretary WALLACE. Mr. Chairman and gentlemen. I came over to talk to you a little about this bill which is before you. I think I do not need to say very much about it, because many of you have had longer experience in this matter than I have.

Mr. ASWELL. What bill is it?

Secretary WALLACE. It is a proposed enabling act, a bill of authority. It simply writes into the organic law the authority for the various things which the department is already doing. The original act was very short. Do you remember back when the department was established—it was not a department then—in 1862, this was provided:

"There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States full information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants."

The department was a very small organization at that time. It has gradually grown and its activities have been extended in many directions, as you gentlemen know, and I think all of its activities are properly included in the phrasing of that clause, and yet it is open all the time to construction as applied to this activity or that or the other, the new work of the department that has been added from time to time by statutory act within appropriation bills, and a limited or an unsympathetic construction of the original act might at any time throw out a great mass of work which we have done for years with full legislative authority. This bill therefore is simply an effort to set down concisely the various activities in which the department is already engaged, so that there can be no question as to the definite authority to continue in those activities.

Mr. ASWELL. Has that question ever been raised, Mr. Secretary?

Secretary WALLACE. Yes; I think it has in times past. Perhaps some of you here know more about that than I do, but I think it has from time to time.

Mr. CLARKE. There is always the fear of some technical objection being raised there would limit the activities of the department?

Secretary WALLACE. Well, I suppose if we made a careful analysis, more than half of our work might be subject to some technical objection, which would not be a well-founded objection and yet which might be ruled against us unfavorably, thoughtlessly, or by some one who was disposed to take a very technical interpretation of the act.

Mr. SINCLAIR. You mean that an item in the general appropriation bill might be subject to attack that way by a point of order or otherwise on the floor of the House?

Secretary WALLACE. Not only an item but a great many items might be. I could cite you if necessary to certain large activities which might be ruled against.

Mr. TINCHER. I guess there are probably a hundred points of order made against one Agricultural appropriation bill, and the only way we got around it was that a good part of it was put in in the Senate, but the Senate has amended their rules now, and it is absolutely necessary to take care of it over here.

Mr. McLAUGHLIN of Michigan. I presume, Mr. Secretary, you have in mind a number of instances where points of order were made that you believe if they had been sustained would have embarrassed the department. Would you mind telling us some of them, the important ones?



Secretary WALLACE. I did not charge my mind with specific instances, Mr. McLaughlin.

Mr. McLAUGHLIN of Michigan. Have you in mind now some particular line in which you wish to extend or in which you have doubt as to your authority?

Secretary WALLACE. No; this bill was drafted not with the thought that we would get authority to do anything that we were not already doing in a general way.

Mr. McLAUGHLIN of Michigan. Well, some things that you are now doing, concerning which there is doubt as to your authority?

Secretary WALLACE. With the exception of the Bureau of Animal Industry and the Weather Service and possibly one or two others—the pure food act and possibly two or three others—I think most of the activities of the department would be subject to a narrow construction. Dr. Ball, who has been here longer than I have and has been through the appropriation bill experience, perhaps can give you, if you want, more specific instances of some cases that have come under his actual observation. You see the appropriation bill was passed last year before I came into the department.

Mr. McLAUGHLIN of Michigan. Well, the purpose of this is to enlarge the authority of the Department of Agriculture?

Secretary WALLACE. Not as we understand it; no.

Mr. McLAUGHLIN of Michigan. If it is not intended to do that and it is not necessary for that, what is the necessity of it at all?

Secretary WALLACE. The purpose is simply to write down in definite phrase the authority which we understand already exists under this original act. Notice the reading of this:

“There shall be at the seat of Government a department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and procure, propagate, and distribute among the people new and valuable seeds and plants.”

Now, to one who is familiar with agriculture, who has been in touch with the development of agriculture since 1862, when this was enacted, there is no mental difficulty in extending that phraseology very widely, but to one who is not in sympathy with agriculture—perhaps I should not say not in sympathy, but one who is not familiar with agriculture and agriculture's need—you can very readily see that a much more narrow construction could be put on some of our activities.

Mr. KINCHELOE. Your idea is that this amendment here amplifies rather than extends authority?

Secretary WALLACE. Oh, yes; I think it does not extend our power in any way, if you make a broad construction of this original act, as its language would justify.

Mr. McLAUGHLIN of Michigan. We are all familiar with the fact that points of order have been numerous against agricultural bills, and my idea was that you or some gentleman in your department could point out the larger matters, at least, where the authority for some of the work of the department has been questioned.

Mr. BALL. Section 2 there has been knocked out on a point of order every time it has come up.

Mr. KINCHELOE. Yes; that is clear. That is a matter by itself as to salaries, coming under the limit of salaries.

Mr. BALL. That is one thing. We have been rather fortunate in the decisions, we feel, on points of order, and as long as those decisions are limited to the House we feel that we probably will be, but if the Senate rules are modified so that a point of order would lie in the Senate, it might very easily happen that that would go up to a presiding officer in the Senate who had not the familiarity with the work of the Department of Agriculture that most of the Members of the House would have, and we might easily lose a whole group of our work on a point of order.

We have not a single particle of authority in organic law for many of the lines of work we are carrying on.

Mr. McLAUGHLIN of Michigan. I have not in mind, now, a case where I have been in sympathy with a point of order on our bill, but questions are asked on the floor. If this should go on the floor and we were asked what difficulty we were trying to remove or what extension we were asking for, and we were not able to tell them at all, I would think that we had not made proper in-

vestigation of this matter in the committee. There must be some purpose in this bill and some more or less definite purpose. I would like to know what it is—except section 2; that is easily understood.

Mr. BALL. Yes; as I understand—I am rather new at this game myself—as I understand it, when you change a bill from an appropriation committee—from a legislative committee to an appropriation committee, you very seriously limit the material that may be properly included in that bill; and as I understand the ruling, that which has only been put on in an appropriation bill in the past does not have the force of organic law, but is subject to a point of order. Now, two-thirds of the work of the Department of Agriculture in its building up and extension and development of the interpretation of that original phrase has been provided for in these appropriation bills and has no authority in organic law.

Mr. McLAUGHLIN of Michigan. What are some of those?

Mr. BALL. The whole marketing work, the whole work of agricultural engineering, irrigation, and drainage work have no authority in law that I know of at all, except that you simply can interpret that if you so please in that broad comprehensive wording in the first paragraph of this bill. But this bill as it is now constructed has simply taken the authority that the Department of Agriculture has by virtue of the different appropriation bills, and brought it all together and put it down here in the form of one bill so that it will be, if this is passed, organic law.

Mr. KINCHELOE. Has there ever been an amendment to that statute there that the Secretary was reading, the statute of 1862?

Mr. BALL. Yes; there have been additions—rather independent laws, like the creation of some of our newer bureaus.

Mr. KINCHELOE. But I mean the organic acts, specifying that this is an amendment to section 520 of this act?

Mr. BALL. I do not think so.

The CHAIRMAN. In what way does section 2 broaden the act, except to increase the salaries?

Mr. KINCHELOE. It simply increases the salaries.

Mr. BALL. Yes; it just increases the salaries, but a point of order has always been made against that.

The CHAIRMAN. Is not that a matter of policy?

Mr. BALL. Yes.

The CHAIRMAN. Do you think Congress should assert its power and its rights in fixing salaries?

Mr. BALL. This is not fixing salaries.

Mr. JONES. It is fixing a salary limit.

Mr. BALL. Yes; fixing a limitation. Now, the Appropriation Committee states frankly to us that they have not the authority to fix any higher limit than we now have.

The CHAIRMAN. Yes; it is for this committee to give the authority. They are not supposed to have the authority and we do not propose to give them the authority. We are expected to determine questions of policy in this committee.

Mr. BALL. But they do have the authority, once you have fixed the maximum limit, of putting a further limit on that. They can limit the maximum, but they can not raise the maximum.

Mr. KINCHELOE. That is a restriction on the appropriation bill.

Mr. BALL. Yes; they can restrict it on the appropriation bill.

The CHAIRMAN. Have you examined the points of order made and those sustained and overruled? Is it not a fact that every point of order that has been sustained has been on a matter of policy?

Mr. BALL. In the House?

The CHAIRMAN. That it was a matter clearly for this committee to determine?

Mr. BALL. In the House; yes.

The CHAIRMAN. Well, I say in all the points of order made, all that have been sustained, is it not a fact that it has revolved around the question of a matter entirely within the jurisdiction of this committee? Is it not for the Appropriations Committee to determine policy; the Committee on Appropriations simply determines the amount that may be appropriated—or I should say the budget system, the head of the Budget, of course, determines all of those questions; he advises the House and the committees what amount may



be appropriated, and the committee holds itself within that amount in order to carry out the policy of bringing expenditures within revenue. Do you think that the Committee on Appropriations should be given the power of determining questions of policy?

Mr. BALL. No; that is before this committee now.

The CHAIRMAN. Well, that is involved here. That is the question involved in this bill; shall this committee give authority now to the department to go on and purchase lands and buildings and all of these things that have always been reserved to Congress to determine? Questions for the authorization of buildings or buying land have always been subject to a point of order in appropriation bills, that is a question of policy. This proposition of yours is to give full authority to somebody to go out and purchase at their own will. We had an experience down at Mount Weather, where they went and spent \$180,000 without specific authority of Congress, and if we give this authority and allow 10 per cent transfer asked for, you could spend millions without further authority of Congress.

Mr. BALL. Under this bill?

The CHAIRMAN. I am not afraid, of course, to trust the present administration, but we are legislating for all time to come.

Secretary WALLACE. Mr. Chairman, I would like to be sure that I catch your point. This does not make it possible for anyone to do anything except by a specific act of Congress. It simply writes down in the law the field which the Department of Agriculture covers.

The CHAIRMAN. Mr. Secretary, you are aware of the fact that a policy making lump-sum appropriations and unlimited power to extend using it, can be expended at the sweet will of anybody in power?

Secretary WALLACE. But they can not be made except by Congress.

The CHAIRMAN. But the policy is to make lump-sum appropriations. This committee here has put more people on the statutory roll than all the rest of them ever have; that policy is now to be abandoned and the policy of making lump-sum appropriations inaugurated, which will result in giving the Secretary of Agriculture thirty or forty million dollars to expend as he chooses to do. To my mind that is not proper appropriation. Under the present law and the rules of the House, appropriations for the buying of animals and farms and all of these things are subject to a point of order. I know you would not do it, but things have happened, even in the Department of Agriculture, that should not have happened.

Mr. JONES. I do not see any authority to buy land here.

Mr. BALL. There is not one word of authority in this whole bill from beginning to end that we do not have at the present time. If there is, I do not know it. There was not any intention of bringing into this bill a particle of authority that we are not now exercising, but to simply codify it and make it law instead of subject to a point of order, as having been put on to an appropriation bill.

Mr. KINCHELOE. If this does not give new powers, then why is it that appropriations heretofore have been subject to a point of order if there is organic law for it?

Mr. BALL. No; there is not. These are things that have been given to us on appropriation bills.

Mr. KINCHELOE. But subject to a point of order?

Mr. BALL. Yes.

Mr. KINCHELOE. Now, if I understand your purpose it is to get amendments to this section here, which, of course, if it is legislated through Congress will be organic law and therefore appropriations made in the future would not be subject to a point of order?

Mr. BALL. Yes; that is it.

Mr. KINCHELOE. Well, then, it does give power.

Mr. BALL. It does not give any powers that we do not have now.

Mr. KINCHELOE. It may not give you any more powers than you already exercise, but what I mean is that you are exercising powers to-day that are not based on an organic law of Congress.

Mr. BALL. Yes, sir; it is based on an interpretation.

Mr. KINCHELOE. I understand, of course. Because there is organic law under it, the appropriations in the House would not be subject to a point of order under the rules of the House.

Mr. BALL. Yes; but it is a question of interpretation.

Mr. KINCHELOE. Now, let me ask you this: What activities of the Agricultural Department now do you say that are not provided by law?

Mr. BALL. Let us put it the other way. Those that are specifically provided by law are the meat inspection service and the disease work of animal industry. That was under the first law that created the Bureau of Animal Industry.

Mr. KINCHELOE. Now, the thing that I want to know is about what the law provides. What activity of the Agricultural Department now that there is no specific authorization for—I mean organic law?

Mr. BALL. The whole work of the Bureau of Markets, of the Bureau of Farm Management, of the Bureau of Roads, except the road work, the irrigation and drainage and the agricultural engineering, the animal industry, the dairying work, the plant industry work, the Bureau of Entomology—there is no organic law for any of those.

Mr. KINCHELOE. Not the building of roads under the road bill?

Mr. BALL. No; not the building of roads, but we carry on road building, irrigation, drainage, the study of farm buildings, farm machinery, silos.

Mr. KINCHELOE. You do not have reference there to the good roads law passed in 1916?

Mr. BALL. No; that is an entirely different act. That has nothing to do with the work in our department.

Mr. McLAUGHLIN of Michigan. Let me say just a word, if I may be permitted, along the line suggested by the Secretary. He says that although this authority may be given to appropriate money for one thing and another, it will always be up to Congress to determine whether or not the money shall be appropriated. I may have a different view from others as to the duty of a committee like this, but in my judgment I ought never to consent to write into a law authority for any Congress hereafter ever to do anything that I think the Congress ought not to do.

Secretary WALLACE. I think you are quite right.

Mr. BALL. We will agree with that.

Mr. McLAUGHLIN of Michigan. And if this will open the door wide and permit the Congress to appropriate for some things that I do not think ought to be done, it would seem to me my duty to oppose it.

Now let me call your attention to some of the words here, in about the middle of the first page, following the figure 2: "To foster, promote, encourage, and effect the introduction," and so on. That word "effect" is a pretty big word. How would you effect these things, or how might you effect them by actually doing them yourselves? Is it possible that Mr. Haugen's idea might be carried out there, buying farms to show how it is done, effecting production by buying a farm and producing?

Mr. BALL. We could not buy a farm, because there is an organic law prohibiting the purchase of land without specific authority.

Mr. McLAUGHLIN of Michigan. Well, this will be organic law.

Mr. BALL. But it would not cover a specific provision to the contrary unless that was repealed, would it?

Mr. TINCHER. I think that would not repeal a direct statute. If there is an organic statute of that kind this would not repeal it.

Mr. McLAUGHLIN of Michigan. Well, this is pretty plain, and being passed later than the law forbidding the construction of buildings and the purchase of lands, I do not know whether it would supersede that old act or not.

Secretary WALLACE. If you have a fear, Mr. McLaughlin, that that might include the purchase of land—

Mr. McLAUGHLIN of Michigan (interposing). I am not expressing a fear; I am simply asking your opinion of the effect of some of these words.

Secretary WALLACE. If there is any question about that, why not specifically limit it that this shall not include authority to purchase lands? There is no ulterior purpose in this, if that is what is in the minds of the committee; absolutely none.

Mr. McLAUGHLIN of Michigan. And as Mr. Haugen points out, if the lump-sum appropriation is to be made there are the words "erection, maintenance, and improvement of buildings and other structures," about the middle of the second page, which would give pretty broad authority.

Mr. CLARKE. You could strike "erection" out, Mr. Secretary.

Secretary WALLACE. Yes.

Mr. WILLIAMS. They will strike it out in the Senate, anyway.

Secretary WALLACE. Yes; strike out anything that you think carries with it an element of danger. I am not insisting on it.



Mr. McLAUGHLIN of Michigan. I am not suggesting striking it out; I am simply talking to you, asking your opinion as to the effect of it if it were enacted. Maybe it ought to remain. I just wanted to know what is the effect of it.

Secretary WALLACE. My attention has not been directed to any specific word there, but take that language, "and effect the introduction, growing, bearing." Now, when you mention that that occurs to me: The Department of Agriculture effected the introduction of the naval orange. It brought in some six or eight little naval orange trees back in the 70's, thereby effecting the introduction of them. We have one of them, the original tree, growing in our greenhouse now. There is another one growing in California—two or three of them—and by effecting the introduction in that way it developed an industry which last year marketed \$100,000,000 worth of fruit. Now, since I have come here I have effected the introduction of, I think, 1,400 shoots of a superior variety of date. I made an arrangement with some gentlemen by which they furnished the money and we sent a man into the desert of Sahara, and in the last few months have brought in those 1,400 new shoots of dates. It was necessary for us to do that because of relations with the French Government. It did not cost the department anything, but we effected the introduction in that way. We are constantly effecting the introduction or effecting the growing of this or that or the other thing, and those are the things that came to my mind when you spoke of that.

Mr. PURNELL. How would you apply that to the word "production"? I think Mr. McLaughlin's idea is that the word "production" has more danger in it than any other.

Secretary WALLACE. The word "production"?

Mr. PURNELL. Yes; "effect production." How does the department effect the production now under the existing law and existing practice?

Secretary WALLACE. We effect it in innumerable ways. First, perhaps, by our work, either directly or indirectly, in cooperation with the experiment stations improving varieties; by bringing those improved varieties to the attention of farmers through county agents or through our publications; then by investigations as to cultural methods and making those better cultural methods known; by our studies of plant diseases and plant pests and making the methods of control known. In fact, if I were to talk on how we effect production it would involve the discussion of almost the entire work of the department in its plant-industry and in its animal-industry functions.

Mr. PURNELL. You certainly would not think—I certainly do not—that that would be broad enough to provide for the production on a large scale for marketing or anything of that sort?

Secretary WALLACE. That had not occurred to me at all; no.

Mr. CLARKE. "Fostering" would be a more effective word there than "effecting," would it not?

Mr. PURNELL. Somebody in the future, after we are all gone, might conceive the idea that that might justify the management and operation of Government farms—Government-owned farms or something of that sort.

Mr. WILLIAMS. If they ever got a Congress that believed that they would make an appropriation anyway.

Secretary WALLACE. Yes; the point I made to begin with is that affirmative action must be taken by Congress through appropriations to permit the doing of any of the things which are provided for here as authority for doing.

Mr. JONES. Do you not think the elimination of the word "effect" there would still leave you broad enough powers to conduct all your present activities, after the words "promote, encourage"?

Secretary WALLACE. Quite possibly.

Mr. SINCLAIR. Mr. Secretary, I notice that the opening statement of this new proposed bill says that it is to amend section 520 of the Revised Statutes, and then section 520 is set forth, all of the first section of the proposed bill being in quotation marks. Is that not literally quoted from the present law?

Secretary WALLACE. Yes; except I see one phrase is omitted.

Mr. SINCLAIR. What new matter is there?

Secretary WALLACE. "And to procure, propagate, and distribute among the people new and valuable seeds and plants" I see is omitted here.

Mr. SINCLAIR. Well, that ought to be in, should it not?

Mr. BALL. No; it is in there, but it is down further.

Secretary WALLACE. It is in the following paragraph.

Mr. BALL. The language is just transposed.

Mr. SINCLAIR. But it is literally a quotation of the present law.

Mr. BALL. Simply an amplification; that is all.

Secretary WALLACE. Paragraph 2 is an amplification of the authority which we believe is carried in paragraph 1.

Mr. SINCLAIR. I see. Then section 1, paragraph 1, is literally a quotation of the present law?

Secretary WALLACE. Yes. Now the remainder is simply an amplification of what that means.

Mr. KINCHELOE. Are there any additional powers in this proposed amendment, Mr. Secretary?

Secretary WALLACE. Not so far as I know.

Mr. BALL. No; there is no intention of being.

Secretary WALLACE. That was not our thought to do that at all.

Mr. BALL. It was just bringing together that which has been granted to us by appropriation bills.

Mr. PURNELL. Further than the authorization for increased salaries?

Mr. BALL. Yes; section 2. I called attention to that.

Mr. PURNELL. I want to ask you in that connection, Mr. Secretary, for my own information and the information of the committee, whether or not other departments of the Government have authorizations for similar amounts?

Mr. BALL. They have no restriction on them at all.

Mr. PURNELL. But under existing law you are restricted to \$4,500?

Mr. BALL. Yes. We would like to discuss that paragraph independently, if you will.

The CHAIRMAN. What suggestion did you make about the distribution of useful animals?

Secretary WALLACE. Where is that?

The CHAIRMAN. That is after the figure 2 in the middle of the first page, "distribution and utilization of valuable and useful animals, plants and seeds, and of animal, dairy, farm, forest, orchard, plant, and agricultural products."

Secretary WALLACE. Yes, I see.

The CHAIRMAN. Speaking of the control of Congress, a provision is carried here in section 3 making 10 per cent of the amounts appropriated by Congress for the miscellaneous expenses of any bureau available interchangeably for expenditures on the objects included within the general expenses of the bureau. Now, if any Secretary should find it necessary to give power to purchase farms or whatever it might be—animals—that 10 per cent could be used for that purpose.

Mr. BALL. No; that 10 per cent can not be transferred to be used for any purpose that is not authorized.

The CHAIRMAN. I am referring now to section 3: "That not to exceed 10 per cent above any amounts appropriated by Congress for the miscellaneous expenses of the work of any bureau, division, or office in the Department of Agriculture shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau."

Mr. CLARKE. But that 10 per cent could not be transferred except it was transferred to some item, and it could not be expended under that item for anything that was not provided in the item. But that is only used, you understand, in the case of forest fires or something that we can not foresee.

The CHAIRMAN. If this is made a permanent law, this language, of course, would be carried in the appropriation bills.

Mr. BALL. It has been carried in the appropriation bill. This is the language of the appropriation bill, except that it was taken out on a point of order last year. It has been in the appropriation bill for years.

Mr. TINCHER. It was in the appropriation bill when we wrote it.

Mr. BALL. Yes; when you people wrote the appropriation bill as a legislative committee this was in it for years, but when it went over to the Appropriations Committee this has been in here. This is one of the points that Mr. McLaughlin was making. This is one of the things that has been in our bill for years and was taken out on a point of order.

The CHAIRMAN. It is a matter of policy. It has been discussed here in the committee pro and con and has been about a 50-50 proposition.

Mr. BALL. I would like to talk on that by itself when the time comes.

The CHAIRMAN. Speaking of the Congress having control, that 10 per cent there is something that Congress would have no control over; the 10 per cent could be used for any item authorized in the appropriation act, it could be used for that purpose.



Mr. BALL. Yes.

The CHAIRMAN. What about this engineering? That is a matter that has been under discussion a good deal in the committee, the appliances and machinery.

Mr. BALL. We would have no objection at all to changing that word to "agricultural engineering" if you want to limit it.

The CHAIRMAN. The question would be to what extent would you determine the value for certain tractors.

Secretary WALLACE. How was that?

The CHAIRMAN. To what extent would the department suggest as to value or the use of tractors, or wagons, or carriages, or whatever it might be—implements—to be used on the farm?

Secretary WALLACE. We are making studies all the time of the changes in farm practice. We have made studies, for example, of the use of tractors as compared with horses. We are making studies of every new thing that comes up in farm practice, if that is what you mean.

The CHAIRMAN. I think certain investigations are necessary and very proper, after all the questions have been discussed from year to year, as to the advisability of carrying on that work and to what extent it should be carried on; if it should be carried on to the extent of suggesting the use of one tractor in preference to another.

Secretary WALLACE. Of course there is no thought of that.

The CHAIRMAN. That might be held a discrimination against some other manufacturer.

Secretary WALLACE. That is unthinkable, that the department should do anything of that kind.

The CHAIRMAN. I think people in the department have had that in mind.

Secretary WALLACE. Has anything ever been printed by the department on that subject?

The CHAIRMAN. We must take into consideration that we have about 16,000 people in the department, and the Secretary can not oversee everything that is done in the department. I take it that you never would allow anything of that kind, but we have to legislate for all time to come.

Secretary WALLACE. Of course, by the same token you could express a fear of having anything to do with seeds, for example, or—well, that same objection might be made to almost every activity of the department. We are studying dairying and the making of butter and cheese, and we use in that work appliances of different kinds.

The CHAIRMAN. You know there have been several questions raised even as to dairying, but all of these things can not be avoided.

Secretary WALLACE. I can see how that fear might exist, but as I say, it is inconceivable to me that this department should lend itself to promoting any one machine at the expense of some other machines, or should take any attitude other than one of investigation as to the general use of machinery. We are not making any test. We are repeatedly requested to make tests of this or that new machine, or make comparative tests of machines already in use. We do not do any of that at all.

The CHAIRMAN. I think we will agree that where we have a number of manufacturers it would be a difficult thing to please all of them.

Secretary WALLACE. Certainly.

The CHAIRMAN. If one should make any recommendation as to use of a certain one.

Mr. BALL. We do not do that.

The CHAIRMAN. I think it should be made clear that that is not the policy.

Mr. SINCLAIR. You observe their experiments and let them make the test, demonstrate what they can do?

Secretary WALLACE. Yes. We are willing that you should make that as plain as you want to.

The CHAIRMAN. I recall that some years ago they had in mind going that far, and I think they were called down by this committee. The committee did not believe it was the proper thing to do; that it might be considered discrimination against other worthy manufacturers.

Mr. BALL. The great work of this engineering is not in that particular thing of testing different machines. For example, one of the great accomplishments of this agricultural engineering division has been the absolute revolution of the methods of storing sweet potatoes, for example, designing better storage houses so that the loss in sweet potatoes has been reduced 50 per cent; designing

better storage houses for the apple growers of the West, so that their losses are greatly reduced. We designed an entirely new refrigerator car to bring perishable fruits from the coast, from the interior to the Eastern States.

Mr. JONES. In other words, you study methods and processes?

Mr. BALL. Methods and processes; yes, sir.

Mr. TINCHER. All engineers are not necessarily run by gasoline. [Laughter.]

Mr. BALL. In the line of farm machinery the most important field of our work, undoubtedly, is to get these companies to standardize their implement so that the farmer can buy repairs without having—that is, without having to send clear to Chicago or Buffalo or some place for a small wheel. We would like to get all of the farm machinery standardized so that one plow lay would fit another plow, and one cog wheel on a binder would fit another binder and a sickle from one mowing machine would fit another mowing machine. We are getting wonderful results along that line. We are getting companies to agree to standardize their products and reduce the number. In the last two years we have succeeded in reducing the number of plows on the market by one-third. That reduces the cost to the manufacturer and increases the efficiency of the plow, the gang plow.

Mr. JONES. That is very interesting information.

The CHAIRMAN. After all, you appreciate that the manufacturers are very jealous of their product and would object if the department should recommend the use of certain machinery.

Mr. PURNELL. If they will agree to standardization it will be a wonderful help to the producer.

Mr. BALL. The American Association of Farm Implement Manufacturers came down here in a body and stormed us because we would not do some of this standardization work, because we were afraid of the authorization of Congress, and we held it up here for six months, trying to find out from people up here whether it would be approved or not, and they just bombarded us to go on with that work, that kind of work.

Mr. JONES. Now, Mr. Secretary, there is one thing here in connection with the animal industry which Judge Haugen mentioned. The Army appropriation bill for several years has carried an item for the distribution of stallions over the country. Has the Department of Agriculture handled anything like that?

Secretary WALLACE. Well, we have done some work in the past with Morgan horses. I think we put out some of those stallions—made them available.

Mr. BALL. That was all under our department.

Mr. JONES. Don't you think that that should be carried on—if that work is carried on at all, it could more properly be carried on by your department than by the military department or the Army division of the Government?

Secretary WALLACE. Well, of course, the Army has a definite purpose in mind, the desire to promote the production of horses suitable for Army purposes, cavalry and artillery purposes. I do not know why that work was changed. That was last year, was it not?

Mr. BALL. Year before last.

Secretary WALLACE. I do not know all of the reasons.

Mr. TINCHER. Simply because the Secretary of War, naturally, wanted to put an altogether different stallion in a community than the Secretary of Agriculture would want to put there.

Mr. JONES. However, the fact remains that these animals are raised and produced on the farm, on the stock farms and ranches of the country, and they would naturally want to produce those that would supply whatever market there might be; and it ultimately would go back to the question of raising them on the farm and ranches.

Mr. McLAUGHLIN of Michigan. Have you given up all the work in Vermont?

Mr. BALL. No; the War Department is running that.

Mr. McLAUGHLIN of Michigan. The Department of Agriculture has nothing to do with it?

Mr. BALL. Our man is running it.

The CHAIRMAN. Didn't Congress make an appropriation for that specific purpose?

Mr. BALL. To the War Department, yes.

The CHAIRMAN. It was cut out of the bill, I presume, with a view of discontinuing the work?

Mr. BALL. You say it is cut out of the War Department's bill?

The CHAIRMAN. No, cut out of the agricultural bill, with a view to discontinuing this work.

Mr. BALL. It is transferred to the War Department, according to my understanding.

Mr. JONES. It has been for the last two years—that is, an appropriation has been made for that in the bill carrying appropriations for the military service.

Mr. McLAUGHLIN of Michigan. Have they discontinued that work at Beltsville?

Secretary WALLACE. We have no horse-breeding work at Beltsville. We have got some breeding work at Beltsville, however.

Mr. McLAUGHLIN of Michigan. Yes, some breeding of horses; but I say are you continuing that?

Secretary WALLACE. We have no breeding work of horses at Beltsville, have we, Dr. Ball?

Mr. BALL. No; there is no horse breeding work at Beltsville now.

Mr. McLAUGHLIN of Michigan. You had some Morgan horses there, did you not?

Mr. BALL. At Beltsville?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. BALL. That was before my day.

Secretary WALLACE. There are none there now.

The CHAIRMAN. How about Colorado? Are you carrying on that station there?

Mr. BALL. The station in Colorado has been transferred to Wyoming. There is no work done in Colorado now.

The CHAIRMAN. Can you state how many stations there are?

Mr. BALL. Well, I think that two stations are all there are in the United States; one in Wyoming, and one in Vermont.

Mr. KINCHELOE. You did carry on activities in Kentucky, I know, very extensively some time ago, the Department of Agriculture?

Mr. BALL. Yes; that is true. I think there is one in Kentucky too, as you say, but that is under the War Department now.

Mr. JONES. I do not see any reason why the supply of horses to that market as well as to other markets should not be handled through the Department of Agriculture.

Mr. KINCHELOE. I do not know why they took it over. I am very familiar with the purpose of the work. Of course the purpose of it has always been to have Cavalry horses available all over the country. It was under the Agricultural Department, and, as they say, during the war for some reason that I am not familiar with, the War Department took it over and that item of \$150,000 was in the last military appropriation bill.

Mr. PURNELL. It is a war measure.

Mr. KINCHELOE. It was under the agricultural bill before the war came on.

The CHAIRMAN. My recollection is that it was under the War Department in the beginning and at the suggestion of the War Department this committee took it over and the Department of Agriculture had it for a number of years, and then it was transferred back to the War Department again.

Mr. KINCHELOE. Yes, that is the purpose of it.

Secretary WALLACE. Mr. Chairman, I am wondering whether you would mind us going through that paragraph 2 and answering your question.

The CHAIRMAN. Just proceed in your own way, Mr. Secretary. I beg your pardon for interrupting you.

Secretary WALLACE. I am anxious that any misunderstandings or doubts should be cleared up as to this paragraph 2.

The CHAIRMAN. I was anxious to have this cleared up about this engineering, because that is a question that has always come up in the committee and might come up in the House, and we will be asked what is its purpose.

Mr. PURNELL. Is there any objection, Mr. Secretary, to inserting the word "agricultural" before the word "engineering"?

Secretary WALLACE. Not at all.

Mr. PURNELL. That would obviate any discussion.

Secretary WALLACE. There is no objection at all. The only point is some one might say, "What is agricultural engineering?" Now, in many ways, there is no difference between agricultural engineering and nonagricultural. For example, a gas engine or—well, you can think of a number of things that might be not strictly agricultural, yet are very necessary as a basis of agricultural engineering. But there is no objection to putting that in, so far as I know.



The CHAIRMAN. If you inserted the word "agricultural," would that eliminate engineering and road construction?

Mr. BALL. That is provided for further on.

Secretary WALLACE. That would simply leave it once more open to interpretation. Now, in our road work we are carrying on, as Dr. Ball has said—that is, in irrigation engineering. I think no one would raise a question as to that being agricultural. Also, we are carrying on studies in engineering as applied to road construction. Some one might raise a question as to whether that is agricultural or not. The only purpose was to remove any doubt by writing the words into the law as we have done here. That is the only purpose of the thing, gentlemen. We have no ulterior purpose whatsoever. We are not trying to get authority to do anything we are not already doing, nor anything that we think is not entirely covered in the original act passed in 1862. But other people disagree with us, and we want to make it perfectly clear. Many of you are lawyers and can appreciate the importance of that.

The CHAIRMAN. Suppose you limit it to agricultural engineering and road construction.

Secretary WALLACE. I am quite willing that you should do whatever you think ought to be done, gentlemen. We are not here to insist on anything.

The CHAIRMAN. We would like to have your views.

Secretary WALLACE. My view, if you want that, is that you should allow the language to stand, so that there can be no captious question raised, but if you have any doubt now I am entirely willing to abide by your judgment in the matter.

The CHAIRMAN. What is contemplated under this cooperative agriculture?

Secretary WALLACE. Where is that?

The CHAIRMAN. That is down at the bottom of the first page.

Mr. BALL. I did not get your question.

The CHAIRMAN. You say here "methods for cooperative agricultural extension work."

Secretary WALLACE. That is in our relations with the various States.

The CHAIRMAN. To what extent would you go beyond the authority you have to cooperate? You have the authority under several acts to cooperate with the various States.

Secretary WALLACE. I do not know that we would go any further than we are going now, but if you are writing an organic law you should include all of the activities.

The CHAIRMAN. But that authority is granted in the act establishing that service.

Mr. BALL. Yes, sir.

The CHAIRMAN. So it would not be necessary—that is, if that is all that is contemplated it would not be necessary to insert it here, because it is already provided for in another act.

Mr. BALL. Yes.

Secretary WALLACE. But if you are writing a charter or a bill of rights for the Agricultural Department it does no harm to include things which may also be included somewhere else. It is only a question of a line of type, and then it appears in the organic act, no matter if it is covered somewhere else.

Mr. BALL. Let me explain just one thing there. The law creating the extension work creates the authority to do that work. This is asking authority to study the methods of doing that work more efficiently and more economically. That is the purpose of it.

The CHAIRMAN. So you simply add method to what authority you already have?

Mr. BALL. Yes, if you please.

The CHAIRMAN. What is contemplated in that?

Mr. BALL. Nothing more than we are doing.

The CHAIRMAN. These questions will be asked on the floor. I am anticipating those questions.

Mr. BALL. Nothing more than we are doing in our extension department over here at this time, but giving authority for amplifying the original act so as to specifically give us authority to study methods of increasing the efficiency of extension work—that is, research, you understand—the other appropriation being an authority to do the work. They are two very different things. Just the same as we have authority to build roads at the present time, but under that we have no authority to make investigations of the efficient method of building roads. That has to come under this bill. There is no authority in the road appropriation bill to spend one dollar to find out how to build a road.



The CHAIRMAN. You can build a sample road in order to determine what methods shall be used.

Mr. BALL. Yes; we have been building sample roads. They are about 8 feet long, each sample.

The CHAIRMAN. Some of them might be 8 miles long.

Mr. BALL. That was under special appropriation that we did build some roads here years ago.

The CHAIRMAN. But it would give authority for that?

Mr. BALL. It would give authority for that if we had an appropriation for it.

The CHAIRMAN. It would give authority to build roads?

Mr. BALL. Yes; but that is only a very small part of our work, studying the building of roads. We study the properties of different materials, we study the effect of different compounds put together, instead of building the road to do that. We put them into machines and test them.

Secretary WALLACE. It is very important work, Mr. Chairman. We are spending \$75,000,000 of Government money for roads, and it is very important that we study the various methods of construction.

The CHAIRMAN. I concede that, but if you carry it to the extent of building a road across a State or a county or a township, that would be a very different thing.

Mr. BALL. We have no authority to do that because we have no money.

Mr. McLAUGHLIN of Michigan. You built a road from Chevy Chase Circle down to the lake a few years ago.

Mr. BALL. That was probably one of the most valuable pieces of work we have done. We have spent \$255,000,000 building roads in this country.

Mr. McLAUGHLIN of Michigan. I understood you to say you had not done it except in very short pieces.

Mr. BALL. That was done under specific authority of Congress in a certain appropriation. We built three different pieces of road under certain specific authority.

Mr. McLAUGHLIN of Michigan. You had no directions to build that Chevy Chase road any particular place or any length of road?

Mr. BALL. They had to build the road where there was heavy traffic, to get it worn out. You had to get heavy enough traffic so that you could test the road in the short space of time. It would not be of any value to build a road where you would not get excessive wear on it.

The CHAIRMAN. What this committee has in mind is that certain things have been done which properly should not have been done, were not properly authorized by Congress. Now, the question is to what extent shall we go in giving blanket authority to do things? We want to give the department all the authority that is necessary and we have absolute confidence in the department, but we have one department to-day and we may have another one in 20 years from now altogether different, and we are legislating for all time to come, and it is up to us to guard against all of those things as far as possible and at the same time give all of the authority necessary.

Mr. BALL. But you can give the broadest authority in this bill and then restrict it to any amount you please in the appropriation bill.

The CHAIRMAN. Oh, yes; in the appropriation, but that does not answer the question. That is simply turning over the power to the Budget Bureau and shirking the responsibility. We have gone far enough in that direction, and if this committee is to be of any value at all it must determine the policy.

Mr. BALL. But you absolutely handicap the department from doing anything if you take the other attitude, that neither this committee will give authority nor allow it to be put on an appropriation bill. We have got to face that situation. Now, if you give the authority here, that does not give the authority away, because still you have the appropriation bill before the House, and then it can be limited and a vote had on it. If you restrict the authority here, then even if every man in this committee was in favor of a certain proposition you would be absolutely helpless against a point of order.

The CHAIRMAN. Experience has fully demonstrated the necessity of certain limitations under our rules.

Mr. BALL. Yes; we recognize that.

The CHAIRMAN. Everything can not be trusted to Congress without rules. There are too many combinations in Congress, as well as in State legislatures; therefore it is necessary to provide proper safeguards in the rules and in the

laws. That does not reflect on Congress or any particular department; I am speaking now of the general policy.

Secretary WALLACE. My thought is that this committee is the committee which controls the activities of the Department of Agriculture, and you have a much broader knowledge of those activities and a much larger sympathetic interest in those activities than any other committee in Congress. Now, if I gather what is in your mind, you want to make sure that the department has a right to do all of the work that you think it ought to do, and you want to make that authority, to write it down so that people who have a less comprehensive understanding of that work can not interfere with it by captious objection. Now, that is the purpose in drafting this bill, as you remember, at your request. If in drafting this there are any words here that you and the other members of the committee feel might be interpreted as giving the department larger authority than you think it ought to have, then I am quite willing and anxious that you just strike those out. If you have fear that somewhere here we are being granted authority which we might not exercise wisely, then I am quite willing and anxious that you should limit that authority. But I understand your mind in the matter and your attitude. It is that you want to write it down so that there can be no possibility of misunderstanding what the department has a right to do and what it is properly expected that it will do.

The CHAIRMAN. My purpose in asking these questions is simply to ascertain what is contemplated by the department.

Secretary WALLACE. I can see that. You want to bring out the possible objections that may be made.

The CHAIRMAN. Now, speaking about these limitations, it seems to me that the language of the present organic law is about as broad as it can be made, and if you will examine the decisions of the Chair you will find that practically every point of order that has been sustained was in matter of policy, and very few points of order have been sustained except as to salaries and such things. That applies to every department, not only to the Department of Agriculture. This committee fixed the limitation of salary at \$4,500 and this bill raises it to \$5,500. Everybody thinks that the salary of a number of employees should be increased, but we also have the reclassification bill, which is certain to pass, and, as I understand it, that will take care of this proposition, will it not?

Now, if you will just go on in your own way, Mr. Secretary.

Secretary WALLACE. If you are through with section 1 and have no other questions to ask about that, I would like to speak to you concerning section 2, but if you have any doubt anywhere as to the phraseology of section 1, then I am anxious to clear that up.

The CHAIRMAN. And, Mr. Secretary, when we sit down to write this bill, we can have the benefit of your advice or some one here to go over this matter with us and prepare the bill, and if necessary amend it?

Secretary WALLACE. Yes; of course.

Speaking now of section 2, which does not increase any of our salaries, but which—

The CHAIRMAN (interposing). Mr. Secretary, what do you say about the erection of buildings and so on? What have you in mind about that? I am not sure whether you made that clear. That is on page 2.

Mr. BALL. This is the point that makes that rather urgent; that we have a large number of branch stations on which there are buildings, barns, and warehouses and storage plants and things of that kind. Now, in the ordinary course of events we are going to lose some day by lightning or by fire some of those buildings. It is not contemplated that we are going to build any buildings that are not authorized by law, erect new buildings, but there may arise at any time an emergency when Congress is not in session, in which our whole experimental work would be ruined if we did not have authority to replace. Now, if you will give us that authority to replace a building that has been burned up or destroyed in some way, which we do not have now—we have been very fortunate in not having that happen, but it has been more luck than anything else, because we have scattered all over the United States buildings in which we are carrying on very valuable work and the continuation of that work is very much more valuable than the question of the building.

Mr. JACOWAY. Do you not think there ought to be something, even taking your view of the matter, where your license should be defined as to how far you should go?

Mr. BALL. We are perfectly willing to that, if you will just recognize the situation that we are trying to alleviate. That is all. We have no objection



at all. You understand, of course, that even with this authority in here we could not build a building, except it was authorized and the money furnished.

Mr. JACOWAY. I get your point, but there ought to be some limitations as to how much money you could spend in replacing burned buildings or destroyed buildings.

Mr. BALL. You can make that specific provision, that we shall not build more than we have. Of course, we are going to be up against it financially at any time if we do this.

The CHAIRMAN. But Congress has limited the appropriation for buildings to \$1,500, \$800, and \$600, and so on. Now, would not the proper procedure be to make appropriations to meet emergencies—provide a certain amount for emergencies? Under this language would you have the authority to expend for a building, for instance, to exceed the limit placed?

Mr. CLARKE. Isn't the answer to that, that supposing Congress had adjourned, was not in session, how are we going to provide for this contingency?

The CHAIRMAN. Would not the proper course be to provide for the emergency appropriate rather than to leave it without any limits?

Secretary WALLACE. The thought in this, Mr. Chairman, was imply to safeguard emergencies which might arise. We have got small stations scattered about in the Western States; we have two or three outlying stations for experimental purposes. If one of those buildings is destroyed the man has got no place to live. If some of our smaller sheep barns are destroyed by fire or by wind, we have got no place to keep the sheep, and it is a time when we have got to act, and act promptly. All we want is authority to meet any of those emergencies. We are not asking authority to go ahead and construct buildings not contemplated by Congress when making its appropriations. Nothing of that sort is contemplated.

In other words, we are doing what each one of us would do in our own business.

The CHAIRMAN. Mr. Secretary, some very expensive buildings have been constructed by the department; for instance, barns and various buildings. Some of them, I think, have probably been too expensive.

Secretary WALLACE. Without authorization by Congress?

The CHAIRMAN. Not without authorization entirely; no. Of course, if there is a limitation fixed, then they have to stay within the limitation, but the thought has been that Congress should pass upon those questions as they are presented; if it thinks it necessary to have \$10,000 for a barn—the department should come before Congress and ask for it.

Secretary WALLACE. That would be still true if you adopt this section.

The CHAIRMAN. This does not place any limitation on the amount.

Secretary WALLACE. But the limitation is placed when you make the appropriation, is it not?

The CHAIRMAN. But the authorization must be made before the appropriation can be made.

Mr. BALL. Yes; we have no authority now at all. If we burn one of our most important buildings down here just the day after you adjourn next summer, we could not possibly get any authority 'till December.

The CHAIRMAN. But Congress could provide for that emergency, just as it does for fighting fires in the forests. It might be well to carry an emergency appropriation.

Mr. WALLACE. We go ahead and incur expenditures in fighting forest fires, because it is something that has got to be done. Then Congress takes care of it after the money has been spent. If we did not spend the money the forest would be burned. If we had to wait until Congress came in session again in order to get an appropriation, the fire would have been over long before and the timber would have been burned.

The CHAIRMAN. The next is, "and improvement of buildings and other structures." Should there not be some limitation there? As I understand it, the Solicitor of the Treasury has ruled against alterations. You can not alter a building; you can maintain it, but you are not permitted to alter. It is contemplated here that you shall have authority, then, to remodel or alter buildings?

Mr. BALL. We have, for example, up on the Alaskan experiment station, where the temperature goes down to 40 and 60 below zero, a log building, and on account of the rotting at the bottom this log building is settling out of shape and is endangering the very life of our animals up there. We have no authority to repair that.

The CHAIRMAN. Do you not have authority to do that?



Mr. BALL, No, sir.

hTe CHAIRMAN. Well, does that come under the heading of "alterations"?

Mr. BALL. Repairing. We have no authority to repair, because there is not a word in there allowing us to spend any of that money for buildings.

The CHAIRMAN. Well, authority for it can be given. Congress can appropriate for it. It always has.

Mr. BALL. But supposing this happened here during the summer time, unless we get an appropriation we can not do anything until Congress meets in December.

The CHAIRMAN. That is, an emergency appropriation. I think you are absolutely right about that.

Mr. BALL. But we ought to have authority, not to go out and build extravagant buildings, but to take care of what we have.

Mr. TINCHER. I was just wondering whether the Secretary would not like to finish before noon. You will be here all the time, will you not?

Mr. BALL. Yes.

Mr. KINCHELOE. I suggest that the Secretary go ahead with sections 2 and 3. Secretary WALLACE. Well, speaking now of section 2, that touches one of the most important things for you gentlemen to consider. I have been here almost a year and I have tried to get as familiar with the department as I could in that time. Its activities are so numerous and so important that I have not got the intimate knowledge that a man who has spent four or five years there might get, but this one thing has been impressed upon me: That the work of the department is suffering very much through our salary limitation. Perhaps I can make it plain to you by showing you just what has happened during the past two years.

Here is a very rough chart. If you would like to have one I will have it drawn better, but the solid line there, the full line, including both blue and red, shows the salary paid in outside work, that is, to men who have been in the department and who have left the department to take up outside work. The blue shows the salary they received in the department, and the red shows the amount of increase they received when they left the department.

You will see on this top line, for example, 55 men went out of the Bureau of Markets at a salary increase of 87.6 per cent. In other words, they got in outside work 87.6 per cent more than they were getting in the department.

Thirty-seven men went out of the Bureau of Animal Industry at an increase of 93.9 per cent in salaries; 25 men went out of the Weather Bureau at an increase of 152 per cent; 25 men went out of Chemistry at an increase of 88 per cent; 26 men went out of Plant Industry at an increase of 95 per cent; 12 men went out of our States Relations Service at an increase of 109 per cent; 8 men went out of our Bureau of Entomology at an increase of 84 per cent; 17 men went out of our roads organization at an increase of 72 per cent; 72 men went out of our Forestry Service at an increase of 102 per cent; 4 men went out of the Secretary's office at an increase of 82 per cent; 4 men went out of the Division of Publications at an increase of 137 per cent.

Three men went out of the Bureau of Farm Management and 3 out of the Federal Horticultural Board. I see we did not have time to make those percentage computations.

Now, that just gives you at a glance what is happening in the department, and it is a thing which this committee especially has a very direct concern in.

Mr. JACOWAY. In other words, Mr. Secretary, whenever you get men in your department such as you have mentioned there, in the various branches of your department, when they become efficient and proficient, then some independent concern comes along and lifts them out of your department?

Secretary WALLACE. That is what happens.

Mr. JACOWAY. That is due to the fact that you have got no leeway, no lump sum, or you are authorized to make an increased appropriation for them?

Secretary WALLACE. That is it exactly.

Mr. JACOWAY. And this section 2, in your judgment, will cure that defect?

Secretary WALLACE. That is it exactly. Take our Bureau of Plant Industry, there are 1,836 men in that bureau. This summer, during the year 1921, 26 per cent of the employees in that bureau left the service of the department.

Mr. PURNELL. Mr. Secretary, do you lose any of your men to other branches of the Federal Government by reason of this discrimination against your department?

Secretary WALLACE. Yes; I will give you some definite figures on that. Thirty-one per cent of our Forest Service left the department in 1921.

Take the two-year period from August 1, 1919, to July 31, 1921, we lost 1,539 employees who resigned to accept higher salaries in other employment. Of that number we were not able to learn the exact salaries paid in 459 cases, but in 1,080 cases we were able to learn the salaries paid. Of that 1,080, 689 were in the administrative, scientific, and technical grades and 391 in the clerical and subclerical grades. Notice the larger number in the scientific and technical grades.

Of the 1,080, 127 accepted positions in other Government work.

Mr. KINCHELOE. Were they all at increased salaries, Mr. Secretary?

Secretary WALLACE. Yes; all of them.

Mr. KINCHELOE. Do those departments employing these men have the same authority under the organic act that you are acting under here?

Secretary WALLACE. Well, I can not speak definitely, but that is my understanding.

Mr. BALL. Let us word it the other way. Those other departments have no limitation at all on their lump sum.

Mr. JACOWAY. That answers the question.

Mr. BALL. Yes; while we have a limitation.

Mr. JACOWAY. You have no leeway at all?

Mr. BALL. No; we can not pay more.

Mr. WALLACE. Here is what happened in that: In 1905 the limitation was \$3,000; in 1907 it was increased to \$3,500; in 1910 it was increased to \$4,000; in 1914 to \$4,500; and there is where it stands to-day.

Mr. CLARKE. Mr. Secretary, have you considered at all, along with this proposition, how the reclassification law would affect your department?

Secretary WALLACE. Well, that will help, but as I said to some one else who asked me that question, "Hope deferred maketh the heart sick."

Mr. BALL. It will not go into effect for a year if it should pass at this session of Congress.

Secretary WALLACE. And this authorization will not interfere—it is in your reclassification, so you have not gone past your reclassification if you make this authorization.

I wanted to show you how these increases aggregate. These 1,080 employees got \$1,576,884 in the department. Their increase when they went into outside work amounted to \$935,366, or 59.3 per cent for the entire 1,080 employees.

Mr. McLAUGHLIN of Michigan. Do you mean, Mr. Secretary, that all these men who have left were under that \$4,500 limitation?

Secretary WALLACE. No; I do not mean that.

Mr. McLAUGHLIN of Michigan. Weren't a great many of them at \$2,000, and they left because you would not pay them \$2,200; some of them were at \$1,500 and left because you would not pay them \$1,800?

Secretary WALLACE. No.

Mr. McLAUGHLIN of Michigan. And only comparatively a few were actually receiving \$4,500 and left because they could not get more?

Secretary WALLACE. Well, if you would like a definite statement on that, I will have it made out and given to you, Mr. McLaughlin. I do not think I have it in that form here—yes, I have.

Mr. McLAUGHLIN of Michigan. That would seem to me the only application to this particular feature of your bill.

Mr. BALL. May I answer that in part? It is absolutely impossible in any organization to have the janitor and the head of the organization at the same salary. If we are limited to \$4,500 for the man at the head, in order to maintain ordinary business integrity of our department, those men below must be held down, gradually down, so that limiting the absolute top salary of one man holds the whole organization down.

Mr. McLAUGHLIN of Michigan. Then I can see, too, that the man starting, giving some years to a line of work, can see a very limited future for them. They never can get more than \$4,500 and they do not want to continue, even if reasonably well satisfied at the salary they are receiving at the time.

Secretary WALLACE. That is the point exactly. That is one of the strong points of the matter.

There is another thing to be considered when you note, for example, a man who has been getting \$2,000 going out at some increase. The Government may lose as much by losing that man who goes out at \$2,000 as it would by losing a man who goes out at \$4,500 or any other salary. You do not know what the potential value of that man is to the Government; and, as you say, when notice is put up that the limit is \$4,500, the ambitious, worth-while men,



the men who most of all we want to keep in the department, seeing that sign put up there that they are limited to \$4,500, naturally improve the opportunity when it comes in the line of work in which they are interested to go out in other work.

You were asking, Mr. Purnell, about people going out into other branches of the Government. You can see what is likely to happen there when I tell you that in other services, other Government services, there are 7,752 men who get \$5,000 or more, while in the Department of Agriculture there are 19 who get as much as \$5,000. We have a total of 74 men who get \$4,500 or more.

Mr. VOIGT. How many of the \$4,500 men have left you within the last year or two?

Secretary WALLACE. I think I have that. Well, I do not have them separated in that way, but I can run down these figures. Here is the chief of our bureau of chemistry at \$5,000 who left to accept a position at \$8,000.

Mr. PURNELL. You have no chief of the bureau of chemistry at the present time?

Secretary WALLACE. We have no chief of that bureau. I have been unable to fill that position. Let me tell you about that man, because he illustrates just what is happening. That man had received repeated offers to go out of the department at an increase in salary. I do not know how many offers he had received, but very many. He had declined all of them because he was thoroughly devoted to research work, scientific work, and he did not feel like leaving that field, even though he could benefit substantially in a financial way, but when the offer came to leave the department to engage in similar work, then he went without hesitation.

Mr. McLAUGHLIN of Michigan. Is that private work he has gone into?

Secretary WALLACE. Yes; well, it is not private work; it is in that research organization which is being set up at Leland Stanford University. He was specially interested in nutrition work. That gave him a larger field, in a way, a higher salary, and without the many restrictions that are necessarily imposed in Government work.

Mr. JACOWAY. Could you not have held all of these men in your department at less salary than was offered them?

Secretary WALLACE. Unquestionably; here, gentlemen, is a list in detail of the men who have gone out in that period. I made an inquiry as to the number of men in the department who had been offered substantial increases and who had declined them. Now, naturally that information is impossible to get in full, but I found I do not know how many men that we were able to get definite information on who had refused in some cases very large increases in salary.

Mr. BALL reminds me of two men who have gone out of the Bureau of Animal Husbandry in the last six months. Mr. Rawl went to California in some dairy enterprise. What did he get there?

Mr. BALL. I do not know.

Mr. WALLACE. I think it was \$10,000.

Mr. Rommell, the head of our animal husbandry work, went with a New York publication about three months ago at a substantial increase—several thousand dollars increase.

Mr. BALL. We have four division heads in Animal Husbandry. We have lost two of them within six months, and we would not have lost either one of them if we could have paid \$6,500 to those men.

Secretary WALLACE. This fact has impressed me, gentlemen: There is a good deal of criticism now and then of men in Government work, and when it is suggested that salaries should be advanced some people are disposed to think that they are getting all they are worth. I have been there, as I say, almost a year and among the things that have impressed me strongest has been the fine quality of the men in that work, in our scientific work, and the high devotion to public service. It is a constant pleasure to come in contact with those men and see that cropping out all the time. They are thoroughly devoted men. They are something after the type of men of the missionary spirit, yet I have got full sympathy with these men who come to me now and then and tell me the opportunities they have for outside work, and ask my advice about it in some cases. I had one man who was engaged in a very important activity of the department. The highest salary I could pay him was \$5,000. He came to me two or three months ago saying that he had been offered \$6,000—and this, by the way, in another branch of the Government here in Washington. They had approached him repeatedly, insisting



that he come with them at \$6,000. He is a man of family that is growing up; he has no money laid by; a man who came right up through the department. Well, I just insisted in that case that he must say, because the work which he was peculiarly qualified to do was such that if he left it the Government would suffer severely; yet I felt rather guilty in insisting on that man staying to his own sacrifice and to the sacrifice of his own family. Now, we are up against that sort of thing all the time.

The Government can not compete with the commercial enterprise. That we will have to admit. Many men in that department can earn for business enterprises many times the salaries they are getting.

Mr. PURNELL. How much would this increase salaries generally in your department if this authority were granted? Have you made any estimate on that?

Secretary WALLACE. It would not make any large increase—that is, we are not asking you to make these definite increases; we are asking you to give us authority to pay up to that. It would not, to start with, make any large increase. It would do two things. There are some men there who would be entitled to increases, not to the full \$6,500 to start with, but somewhere between \$4,500 and \$6,500. But it would do this, it would serve notice upon all the people in the department that the men have all opportunity to reach that maximum if they make good in their respective lines of work. It would enable us not only to keep some of the men we have, and whom we will lose if we do not get this increase—there are three different people in the department who have been offered presidencies of agricultural colleges, at increases in every case, substantial increases. It would enable us to keep some of the men whom we will lose unquestionably within the next six months. But more than that, it acts as a stimulus right on through the department.

Mr. KINCHELOE. It gives a psychological incentive?

Secretary WALLACE. Yes; it contributes to the morale of the whole department. It is notice that the Government will pay up to \$6,500 for excellent work.

Mr. JACOWAY. Mr. Secretary, do you not find yourself, as the head of the Agricultural Department, absolutely hog tied and hamstrung, and you have got no leeway and you, in one sense of the word, find yourself sort of a figure-head?

Secretary WALLACE. Well, that is not wholly true, but we are greatly handicapped by these limitations which you put about us. Of course, one coming into this work from the business field—and this is the first time I have ever been in Government work—you do become rather restive over some of these limitations; that is, you come in with the thought, "Now, I am going to run this thing just as I would my own business; I am going to put in economies where I see they can be put in; I am going to make this organization function 100 per cent." But while you retain that ambition and desire, you find that you run up against a blank wall here and another one there, a limitation here and another one there, so that your ambition is much more difficult to attain because of those limitations and restrictions.

Mr. CLARKE. Mr. Secretary, we are going to lose one of the very best members of this committee, a man that I regard as one of the ablest men on the committee. He is quitting Congress to go out and go into business, and it is a distinct loss to the Government, and is due to the very same cause that you state.

Secretary WALLACE. Well, as I say, we can not hope—the Government can not hope—to compete with private industry.

Mr. TINCER. I insist that the gentleman my friend from New York is talking about is Mr. Jacoway, of Arkansas.

Mr. CLARKE. Yes, sir; and it is a distinct loss to the Government.

Secretary WALLACE. The Government can not hope to compete in salaries with commercial enterprises, but we can compete in part in retaining these scientific men if we will pay the salaries adequate to enable them to live and take care of their children comfortably, and it is a distinct loss to the Government service not to do that.

Mr. CLARKE. It is, absolutely. I am for you, hook, line, and sinker.

The CHAIRMAN. The purpose of the reclassification act is to establish uniform salaries. How would this conflict with that act?

Secretary WALLACE. It would not conflict at all, Mr. Chairman.

The CHAIRMAN. Well, under this act we would have one salary scale and under the reclassification act we would have another.

Mr. BALL. The reclassification act will repeal all other acts affecting salaries when it takes effect.

The CHAIRMAN. The reclassification act carries a repealing clause?

Mr. BALL. Yes; sir; repealing all previous legislation.

The CHAIRMAN. All acts affecting salaries?

Mr. BALL. All acts affecting salaries, so that it will not make any difference if it passes, but if it does pass it will not have any effect on this next year.

Secretary WALLACE. I may say for your information, we are trying to make the Government service in our department more attractive by various devices. For example, we have in the last four months started a graduate school. That does not cost the Government anything, but we have provided the opportunity for these young men who are coming up in the department to study outside of their employment hours. How many courses have we, Dr. Ball?

Mr. BALL. About nine courses.

Secretary WALLACE. We have nine courses, and then we have entered into cooperative arrangements with some of the agricultural institutions by which it will be possible for some of these men to get higher degrees; in other words, to qualify themselves better for Government work.

Mr. CLARKE. That is a splendid idea.

Secretary WALLACE. We are adopting every device we can to make the work attractive, but we must have enlarged powers in the matter of salaries or that department will suffer terribly within the next year, and on behalf of agriculture it does not seem fair to impose limitations on the Department of Agriculture which are not imposed on other Government departments, 19 men in the Department of Agriculture being limited to \$5,000 as against more than 7,000 in other departments of the Government. That is grossly unfair to agriculture. It deprives the agriculture of the Nation of the services of men who can contribute very much to the strengthening of our agriculture.

Mr. JACOWAY. Did you ever take into consideration that over on the floor there are more men who come from consuming districts in the United States than there are who come from producing districts, and that is one of the troubles about getting legislation through for the man who produces. They are just as honest in their view as the gentlemen on this committee who come from producing districts, but they look at all these matters from a different angle and different viewpoint. There are more consuming districts on the floor of the House of Representatives than there are producing districts.

Secretary WALLACE. Yes; of course, that is true. Yet I have full faith in the ability of the members of this committee to present this matter in such a way that you will get favorable action. It is such a strong case and, then, I have got the idea that this committee has ability to challenge the attention even of people who come from consuming districts to the importance of this matter to them. When all is said and done, gentlemen, everything which contributes to improve agricultural production or enlarge production is of more benefit to the consumers of the country in one way than it is to the producers of the country. We are coming to the time now in this country when the problem will be not of how to get rid of our agricultural surplus, but how to produce enough to feed our people at a fair price, and the consuming districts are just as much interested in that as the producing districts are, and even more so as time goes on. I do not know any greater service that can be rendered the Nation as a whole than to strengthen our agriculture.

Mr. KINCHELOE. Mr. Secretary, would you mind giving your opinion as to section 3, as to its application?

Secretary WALLACE. Well, that simply—

Mr. KINCHELOE (interposing). Does that mean to give the power to take any part of any appropriation in the Agricultural bill not to exceed 10 per cent—I suppose you would do it only in cases of emergency—dire necessity—and apply it to any other activity of the Government?

Secretary WALLACE. No; it simply means that it "shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau."

Mr. KINCHELOE. I see. And that is miscellaneous expenses only.

Secretary WALLACE. Yes; it is simply making it possible for us to get the greatest value for our money; that is all.

Mr. BALL. I think in that connection you ought to understand that our Budget is for a year from now—a year from next year. That is, we are beginning now—this season. Inside of two months we will be called on by the Budget Bureau to prepare our Budget that goes into effect a year from next



July. There is no possibility of any man being able to foresee what agricultural conditions are going to be a year from next July, and the year following that, at this time and prepare a Budget that will adequately take care of that without some little shift. And even if you were preparing the Budget in July, you can not tell what a drought will do, what a storm will do, what a change in the economic conditions of the country will do to change the requests for our service, and that is only giving you just a little leeway that every business organization does in setting aside a reserve.

Mr. KINCHELOE. There is only a little leeway there for unexpected contingencies that might arise?

Mr. BALL. Yes, sir.

Mr. TINCHER. It was always carried in the appropriation bill reported out by this committee, that exact language, until last year, when it was objected to on the floor and went out on a point of order.

Mr. JACOWAY. I would like to ask you, or whoever drew this bill amending section 520, if it was drawn with a view to seeing whether it would withstand more points of order than the present organic law?

Mr. BALL. Yes; it was drawn by a committee of which I was chairman.

Mr. JACOWAY. As I understand it, the organic law creating the Department of Agriculture has been subject to fewer points of order that have been sustained by the Speaker than any other organic act.

Mr. BALL. Yes; but it has only been subject to points of order in the House, and we always have felt that our influence in the House was much stronger than it is in the Senate. It is going to be, after a few days now, subject to a point of order in the Senate, and this 10 per cent clause was taken out on a point of order in the House and we could not get it even restored in the Senate last year.

Mr. KINCHELOE. That is largely due, not to the Senate rules, but to the unanimous-consent way they have of doing business over there.

Mr. BALL. They are changing the rules.

Mr. KINCHELOE. I know they are going to change the rules.

Mr. BALL. Now, this 10 per cent clause, which was carried in our bill here for years and years by your committee, went out last year, and we could not get it back; and we have not been handicapped yet, but we are going to be handicapped terribly before next June, because they have had terrible droughts in some sections. They have had terrible frosts in California, which changes the whole inspection-service conditions. We have had half a dozen things that have already happened that are just going to put us absolutely up again it to carry on in a proper way the work of the department.

Mr. JACOWAY. We have had the boll weevil in the South, the bean weevil in the North, and the corn borer in Connecticut.

Mr. BALL. So we have got many things and we are going to be terribly up against it before the 1st of July.

Mr. KINCHELOE. I think there is no doubt but what that provision ought to become organic law.

Mr. JACOWAY. I think section 2 is the most important thing in this bill.

Mr. BALL. It is the most important thing for the effective, efficient, and economic development of agriculture. It does not mean an increase in appropriations; it does not mean an increase in the total amount of salary paid. We can get men cheaper, young men, if we can hold out to them the hope of a higher salary than we can now. So the difference in what we pay the high salaries will be made up in the smaller amount we will need to pay the lower ones.

The CHAIRMAN. Is that all you have?

Mr. BALL. Yes, sir.

The CHAIRMAN. Are you through, Mr. Secretary?

Secretary WALLACE. Unless you have something to ask me.

The CHAIRMAN. Are there any questions to be asked? If not, we are very much obliged to you.

Mr. SINCLAIR. I would like to have the Secretary present his views a little bit on the McCumber seed and feed bill that is before this committee, and in which I am very much interested.

The CHAIRMAN. Would you prefer to discuss certain matters with the committee in executive session?

Secretary WALLACE. Perhaps it might be well to do that, Mr. Chairman.

The CHAIRMAN. Will the committee continue its hearings to-morrow?

Mr. BALL. We have not anything more.

The CHAIRMAN. The forester told me that he would like to be heard.



Mr. PURNELL. How much more time will it take on departmental matters?

The CHAIRMAN. I do not think it will take very long—just the forestry question and grazing fees.

Mr. BALL. We do not want to discuss that unless somebody else does.

The CHAIRMAN. Will the committee fix a date, then, for concluding the hearings?

Mr. TINCHER. Mr. Chairman, I move you that this committee cease all hearings and take action upon the bill now pending before the committee, in view of the fact that the agricultural appropriation bill may come up in the House on Saturday. Make this the order of business until it is completed.

Mr. CLARKE. I second the motion.

The CHAIRMAN. If it is agreeable to the committee we will have a session to-morrow to conclude this matter. Without objection it is so ordered.

Mr. TINCHER. I made a motion, Mr. Chairman, and I want my motion voted on.

The CHAIRMAN. What was your motion?

Mr. TINCHER. My motion was that we make this the order of business and do nothing else and proceed with this matter now before the committee until we reach a conclusion on it, in view of the fact that the agricultural appropriation bill is liable to come up in the House Saturday.

The CHAIRMAN. You mean the bill that we have under consideration here?

Mr. TINCHER. Yes.

Mr. RIDDICK. Make your motion to become the order of business at 10 o'clock to-morrow morning. Would that be agreeable?

Mr. TINCHER. Is some one going to introduce this bill?

Mr. SINCLAIR. Introduce it after it is made up.

The CHAIRMAN. I think we should sit around the table and make it up and invite some representative of the department here and see what we can work out. It may be necessary to amend it.

Mr. TINCHER. What I mean is I don't want it ditched. No use sidetracking it. We have got to act pretty quick.

Mr. JACOWAY. As an amendment to Mr. Tinchers motion, I move that we make that the order of business at 10 o'clock to-morrow morning.

Mr. TINCHER. All right.

(The motion was put and carried.)

Mr. RIDDICK. I move that we go into executive session and take up S. 2897.

The CHAIRMAN. Won't you withhold that a minute? The committee authorized reported several bills yesterday, and to make the procedure more certain it might be well to authorize that they be reported again to-day. The bills are H. R. 10672, H. R. 10673, H. R. 10675, and H. R. 10677.

Mr. SINCLAIR. I move that the chairman be authorized to report those bills to the House.

Mr. CLARKE. I second the motion.

(The motion was put and carried.)

Mr. RIDDICK. Now my motion.

The CHAIRMAN. Without objection the committee will go into executive session, and we will notify you later, Mrs. Boggs.

(Thereupon, at 12.05 o'clock p. m., the committee went into executive session.)











